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Where Decentralisation Meets Democracy: Civil Society, Local Governments, and Accountability in Cambodia



Kim Sedara and Joakim Öjendal
with the assistance of Ann Sovatha

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With the assistance of Ann Sovatha



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May 2007

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Responsibility for the ideas, facts and opinions presented in this research paper rests solely with the authors. Their opinions and interpretations do not necessarily reflect the views of the Cambodia Development Resource Institute.

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Foreword

Cambodia's national and sub-national governance reforms, particularly on issues of decentralisation and deconcentration, are at an important stage. Recently, in April 2007, the second Commune Council elections were held. A draft *Organic Law for Democratic Development of Sub-National Governments*, which will clarify the respective roles, responsibilities and accountability mechanisms for national, provincial, district and local government, is currently being considered within the Royal Government of Cambodia, and is likely to be progressed following the next national elections in 2008. In the meantime, the Cambodian government and its international development partners are involved in complex negotiations and processes to determine how international development assistance can best be deployed to support the governance, decentralisation and deconcentration reform agenda and processes, how to build the capacity of institutions and individuals at the sub-national level to achieve democratic development outcomes, and how to promote constructive engagement between civil society and government.

CDRI is therefore pleased to release its Working Paper 35 on *Where Decentralisation Meets Democracy: Civil Society, Local Government and Accountability in Cambodia* at this time. Using issue rich case studies in the education, forestry and fisheries sectors, this research addresses a fundamentally important question – To what extent do community-based organisations (CBOs) enhance the accountability of local government? It proposes specific areas for policy attention in relation to the role, accountability and responsibilities of local civil society organisations, the correspondence between the responsibilities and resources of Commune Councils, and the need to hasten deconcentration, or sectoral decentralisation, reforms, and associated capacity building, to improve accountability between the various state agencies operating at the local level.

CDRI hopes that this working paper, along with the recently published CDRI Working Paper 34, *Accountability and Neo-patrimonialism in Cambodia: A Critical Literature Review*, both products of CDRI's Democratic Governance and Public Sector Reform Programme, supported by Sida and DFID, will be a useful resource for government policy makers, civil society organisations, and international development agencies, in navigating the way forward on effective sub-national governance reforms that contribute to the building of democratic institutions and processes at the local level. Such accountable institutions and processes of local governance, in partnership with civil society, and the entrepreneurship of the private sector, will be critical to the achievement of development and poverty reduction outcomes in Cambodian communities.

Larry Strange
Executive Director CDRI
May 2007

Lists of Acronyms

CBOs	Community Based Organisations
CC	Commune Council
CDRI	Cambodia Development Resource Institute
CF	Community Fishery
CPP	Cambodian People's Party
CS	Commune/Sangkat
DANIDA	Danish International Development Agency
DFID	Department for International Development
FAO	Food and Agriculture Organisation
FC	Forestry Community
MAFF	Ministry of Agriculture, Forestry and Fisheries
MoEYS	Ministry of Education, Youth and Sports
NGO	Non-Government Organisation
PAP	Priority Action Programme
PORDEC	Policy Oriented Research Programme on Decentralisation
SIDA	Swedish International Development Cooperation Agency
SRP	Sam Rainsy Party
SSC	School Support Committee
UNTAC	United Nations Transitional Authority in Cambodia
VDC	Village Development Committee
WFD	Women for Development

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Executive Summary

Decentralisation

Cambodia has been moving towards Decentralisation since the first commune election in 2002, which initiated Decentralisation reform. This historic event was the start of a process aiming to improve democracy in Cambodia. A core principle of the Decentralisation reform is to promote a culture of participation and trust between the state and civil society and, via this process, to rebuild the state from the bottom up. In this process, narrowing the historical gap between authorities and the general public is of vital importance. Enhancing commune council *accountability* to answer for the use of authority also becomes a key process.

Decentralisation has enabled the establishment of local democratic institutions, but democratic politics are yet to develop locally. Individuals are still unable to speak their minds freely, and political discussions rarely occur openly. Although this is due more to prevailing social norms than to open political suppression, it hampers the development of a vibrant political democracy at the local level. In contemporary rural Cambodia, one observes a growth of Community Based Organisations (CBOs), which may have a greater ability than individuals to demand accountability from the local state. CBOs also have their limitations, however, making local accountability uncertain. Hence this research is centred on the primary question: *To what extent do community-based organizations enhance the accountability of local government?*

Accountability

The critical issues to be explored emerge from “unpacking” the accountability concept, where three different modes of accountability are identified, each focussing on the “demand side” of accountability. Three communicative relations need to be qualitatively improved in order to establish accountability in rural Cambodia, namely between people and the CBOs, between CBOs and the commune councils (CCs), and between CCs and the wider political system. These are operationalised as follows:

- i) *Participation in and mobilisation for CBOs:* Do people broadly engage in or support the goals of the CBOs? Are CBOs truly local and do they pursue local interests? To what extent do they exist as associations?
- ii) *Partnership and interaction between CBOs and local authorities:* How do CBOs and local authorities interact? Is there a growing partnership between the local state and civil society? Are there other local authorities that can be called upon for assistance in dealing with emerging problems?
- iii) *The power of local authorities in the political system:* Have the local authorities possess the political power to deliver? Do they communicate properly with relevant actors? Could they act in a more dynamic way in the political system in order to fulfil their mandate?

Three CBO associations were selected for this study, namely: School Support Committee (SSC), Community Fishery (CF), and Forest Community (FC).

The core conclusions of the study state that the key institution of the decentralisation reform, the CC, has come a long way towards acknowledging and exercising accountability. The

major weaknesses are twofold and are to be found above and below the level of the commune council itself. *First*, civil society is not yet sufficiently capable and organised to demand accountability effectively. This is particularly true regarding individuals, but also when CBO intermediaries are involved. *Second*, CCs are not getting the support they need from ministries, which is hardly surprising. While the CCs have been operating on the basis of progressive democratic decentralisation reform since 2002, the district and provincial authorities have not had any recent major overhaul of their formal mandates. The second leg of the reform—deconcentration—is still being developed and its implementation is not expected to start until 2008. This law is intended to—as is apparent in draft versions now surfacing—democratise provincial authorities, harmonise ministries with commune council concerns, and open up rural areas for dynamic development work. Whether that will happen, however, remains to be seen.

Policy Recommendations

The recommendations are presented in three different areas:

1. *Civil society*: The small-scale development work within communities regarding education, awareness, rights and obligations must continue. Cambodia needs more time to strengthen democracy, including local development. CCs could receive considerably increased funds. Moreover, a sense among CCs, NGOs and CBOs of strong dependency on international agencies needs to be changed.
2. *Commune councils*: CCs need a better correspondence between their responsibilities and resources. A decree establishing mechanisms for tax collection could help to achieve this. CCs still need more time to fully adapt to the new mandate, including enhanced clarity on the private (individual and political parties) and public sphere (citizens).
3. *Deconcentration or sectoral Decentralisation*: Since one of the key weaknesses of the accountability chain is the CCs' limited influence in the wider political system, it is recommended that the ongoing deconcentration reform is hastened as much as possible, and designed to allow considerably improved accountability between the various state agencies operating at local level.

Chapter 1: Introduction

In its post-conflict phase, Cambodia has only recently taken substantial steps towards in-depth democratisation. The move towards decentralisation, however, marked by the first local elections in 2002, set Cambodia on a novel reform path with the aim of substantially enhancing democracy. The core principle of this attempt at deepened democracy is the encouragement of a culture of participation and trust between the local state and civil society. Besides the need to establish democratic practices at the local level in any growing democracy, the rebuilding of the state from the bottom upwards is a common recommendation for post-conflict societies (Paris 2004; Romeo 2002; Strand *et al.* 2003; Cliffe, Guggenheim & Kostner 2003; Woodward 2002; Öjendal 2005). Moreover, based on global experience, it is commonly argued that broad popular participation and the presence of civil society groups and associations at the local level are important for building local government accountability (e.g. Angeles & Magno 2004; Antlov 2005; Coston 1998; Blair 2000; Johnston 2001), as well as for fostering democracy at the national level over time (Putnam 1993). Likewise, in Cambodia, these are seen as key factors for enhanced commune council capacity (Mansfield & MacLeod 2004; MacAndrew 2004; Pellini & Ayers 2005). Hence, enhanced participation is not only encouraged but is also likely to be necessary to realise the democratic potential of the decentralisation reform. At the same time, there is a lack of in-depth studies on the nature of community-based organisations in Cambodia and their relations with local authorities (Ayres 2004; Rusten *et al.* 2004; Kim 2004).

In a democratic decentralised system, decisions are supposed to be made openly, rather than in the (semi-) private domain of personalised patron-client relationships; traditional decision-making processes are expected gradually to vanish and be replaced by more democratic practices, including the involvement of women in public affairs. While this may be an idealised conception, it is nevertheless pertinent to seek an understanding of the changing content of the particular kind of political culture that is emanating in the meeting of different modes of decision-making. Hitherto, most of the literature on the topic in Cambodia has emphasised the incompatibilities between modes of governance (cf. Roberts 2000; Lizée 2000). Our point of departure, however, is that as local institutions are altered, local decision-making processes also change, potentially leading to changes in the structure of local governance. These changes may enhance accountability and hold the promise of increased empowerment, as has been cautiously indicated in early studies of the reform (Rusten *et al.* 2004; Mansfield and MacLeod 2004; MacAndrew 2004; Pellini and Ayres 2005; Öjendal and Kim 2006), and, subsequently, local development. This is likely, at some point, to also imply a shift in the content of local politics.

CBOs will have a crucial role to play in supporting this process in rural Cambodia. It has already been reported that since the CCs were established by local elections in 2002, they have taken up issues advocated by local associations such as the school support committee (SSC), forestry community (FC) and community fishery (CF), which are the focus of this study (cf. Kim 2004). It has also been observed that local NGOs/CBOs have grown radically (*ibid.*). The road towards good governance, including the exercise of political accountability, may be difficult for the CCs to travel, but the failure or success of the process to a large extent depends on the quality of collaboration with a civil society that facilitates the CCs to represent local concerns.

Hence, this study rests on a number of assumptions:

- Politically liberal sentiments are growing in rural Cambodia. There is a certain degree of democratic space evolving, and this is related to decentralisation, with CCs as the key institution. In this process, political accountability may (or may not) grow.
- Accountability is not necessarily emerging along the path of local elections, nor is it likely to be voluntarily offered. On the contrary, to hold Local Government accountable for their use of authority is not a simple task given the political history of Cambodia. In the foreseeable future, individuals will need intermediaries to put pressure on local authorities.
- To organise and engage local people in CBOs is not easy given the combined weight of previous failed collectivisation and contemporary levels of poverty; the success of attempts to do this is not a given.
- There has been a distinct increase in the number and activity of CBOs in rural Cambodia. These have a bearing on issues such as demanding accountability from local authorities.
- The decentralisation reform is the first step in an attempt to reform local administration in Cambodia. This is a process that is still open to policy advice.

With these statements as points of departure, we will further explain and justify the approach of the study below.

1.1. Research Objectives and Questions

Departing from the Decentralisation Inception Seminar and the Decentralisation Design Study in Cambodia (see Rusten *et al.* 2004), CDRI's Policy Oriented Research Programme on Decentralisation (PORDEC) has analysed the decentralisation reform. From these sources we can conclude that political devolution faces a number of challenges, which need to be thoroughly researched, understood and subsequently acted upon. One of the major tasks that emerges in these and other reports is to examine the extent to which CBOs can enhance the level of accountability of Local Government and thereby deepen democracy. The key objective of this study is to probe this issue further.

Most experiments in local democratisation rest on the assumption that governments will be elected locally and will therefore be more responsive and accountable to pressure for good governance emerging from civil society. The smaller scale and the close proximity between rulers and ruled in local government allow for more direct influence (Kothari 1996; Manor 1999). In Cambodia, decentralisation reform has provided democratic institutions, but democratic local politics remain, largely, to be invented. Interestingly, successive studies have concluded that CCs seem, overall, to be prepared to offer accountability (Öjendal 2005; Rusten *et al.* 2004; MacAndrew 2004; Mansfield & Macleod 2004; Öjendal & Kim 2006). Most of these studies also point out that civil society needs to demand this accountability. Although civil society is regarded as crucial, the particular characteristics of the civil society, and particularly its CBOs, are often neglected. Moreover, it is a safe assumption that local civil society is likely to be less organised, knowledgeable, connected and forceful than its national counterpart, and thus not necessarily able to fulfil the demand for putting pressure on Local Government, as generally expected in the literature. The full democratic potential of the emerging political space may, therefore, remain untapped. Cambodia is a case in which this hypothetical reasoning constitutes a serious challenge to the success of the entire decentralisation reform (Öjendal 2005), given its historically and politically subdued rural civil society in combination with its low level of political education. As we shall see, however, functional CBOs are currently flourishing, providing a very interesting backdrop for political change and for this study.

Based on the reading reviewed above and previous studies on decentralisation and civil society in Cambodia (Rusten *et al.* 2004; Kim 2004; Mansfield & MacLeod 2004; MacAndrew 2004; Biddulph 2001; Biddulph 2003), and the general literature on the effectiveness of decentralisation (Crook & Sverrison 2001; Blair 2000; Selee & Tulchin 2004; Johnston 2001), the crucial research problem is identified as: *To what extent do CBOs enhance local government accountability?*

Three critical issues emerge from unpacking accountability concept:

- *Popular participation, mobilisation, and support for CBOs;*
- *Partnership and interaction between CBOs and CCs;*
- *The power of local authorities (CCs) in the political system.*

These three issues will be systematically examined in three separate sections. The answers regarding these issues will provide critical insights to enable a discussion into whether political accountability is emerging as a recurrent feature in local politics in rural Cambodia, and what are the roles of CBOs in demanding accountability.

1.2. Operationalising Accountability in Cambodia—Theoretical Underpinnings

In keeping with the findings of previous research (CDRI 2006), this study chose to take accountability as its point of departure and its key theoretical concept. However, given the difficulties in translating even the concept into Khmer, we cannot take its content for granted. Below follows a particular reading of Cambodia and accountability that will help structure the rest of the report.

Cambodia is one of the paramount cases of the “big-bang democracies” emerging in the early 1990s. Expectations and optimism ran high in policy circles, although many social scientists remained sceptical about the viability of this kind of instant change in a political system and culture. The political system has survived and developed—the decentralisation reform focused on in this study is an example of that—but, as many expected, the political culture (political practice/content) has not been so easily altered. For more than a decade, the formal change in political system was primarily visible at the central level, and was in stark contrast with the limited formal change at the local level. This comfortably, although artificially and unsustainably separated the realms of “procedural” and “substantial” democracy (Bastian & Luckham 2003: 19), displaying all the qualities of a “hybrid democracy” (Carothers 2002; CDRI 2006).

With the decentralisation reform, including local elections, politics was, however, brought to the rural areas where the majority of Cambodians live. Hence, participating in democracy beyond a ballot every fifth year was not necessarily out of the reach of the general citizen (Cf. Devas & Grant 2003: 308). On the contrary, downward accountability for local authorities (i.e. CCs) was explicitly emphasised in the reform process and could be seen as one of the key rationales of the entire reform agenda. This was pursued in order to strengthen—some would say compensate for the lack of—overall democratisation (Sokha 2005). A functional democracy depends on the degree of public consent for such a system. In Krishna’s (2003: 361) words, “consent derives ... from locally shared notions of legitimacy and appropriateness. So institutions will need to be designed that are both technically proficient and locally legitimate”. This is a crucial process which eventually may determine the success or failure of decentralisation. In pursuing a political system with broad legitimacy, accountability³ is central, and some crucial questions emerge: What does it mean to be

³ Whereas “accountability” is a difficult term in Khmer, it seems so obvious in the English terminology that—although of central importance in the analysis—it is often not defined, explained or even discussed in many studies (e.g. World Bank 2004). In Khmer, the term accountability is translated as *kanak neiyapheap* (e.g. RGC 2005). The term is related to responsibility, transparency and honesty.

accountable? Who is accountable to whom? What does accountability entail? How can it be measured? How is it demanded? How can it be acknowledged? (See Horng *et al.* 2007).

In political theory, it is commonly argued that accountability is the link between the *demos* (the people) and the political ruler. But differently, one defining feature of a successful democratic system is its ability to ensure accountability of elected politicians to citizens (Bastian & Luckham 2003: 15f; cf. Schmitter & Karl 1991). But, as is also pointed out in Bastian and Luckham, although accountability might be necessary to transform democratic institutions into democratic politics, it may not be sufficient in isolation. Features such as participation and awareness are critical ingredients, too. For instance, local authorities may try to be accountable, but if nobody is interested, how can they act accountably? Or how would a local government deal with crude ignorance and misunderstanding from broad segments of the population? How do authorities deal with a situation in which accountability is required for issues they can hardly impact upon?

Accountability has particularly come to the fore in the debate on the efficiency of decentralisation as the conduit for enhanced democratisation (Manor 1999; Crook & Manor 1998; Crook & Sverrisson 1998; Johnson 2001; Shah 1998; Devas & Grant 2003). The reasons for this are twofold. First, as Mehrotra points out (2006: 264), since “exit” is normally not an option for villagers, only “voice” is available in local arenas. In this context, “voice” would include civil society’s enhanced demands on the local state. For “voice” to make a difference, there must be authorities that are able to listen and act, i.e. somehow answer for their actions. Second, the prevalence of a “gap” between people and elected representatives is a frequent explanation for accountability deficiencies. At its core, decentralisation aims to reduce or eliminate such a “gap”. Both these reasons for focusing on accountability are highly relevant for rural Cambodia, as we will see below. Indeed, with democratic local institutions and a rural population that needs a “voice” to effect change, it seems that accountability could have a chance to develop.

How can accountability be broken down into researchable sub-categories? What are the core qualities of accountability? In the literature, accountability is generally taken to mean an obligation to answer for actions according to a particular framework, such as a constitution or a contract, or “answering for the use of authority” (Moncrieff 2001: 27).⁴ Having said that, it should be pointed out that it is not normally the case that local authorities are not accountable—they do often answer to various actors such as superior state levels or local elites—but rather the issue here is to what extent they are accountable to the *demos* in order to deepen democracy. In Cambodia this is no small matter. As noted above, a large distance between ruler and subjects has always been one of the defining features of its political culture (cf. Mabbett & Chandler 1995). In Cambodia, the *demos* are, in their day-to-day activities, very little involved in politics in its local or national version. Probably this has been true for most of their life, and probably that has been a wise choice given the violence that has characterised politics during the past four decades. This puts the focus on what has been called the “demand side” of local governance (Coston 1998: 482): By whom and in what way is accountability demanded? Or to whom is accountability offered? Of particular interest here are subaltern groups, such as ethnic minorities, women and the poor, who have been subdued in traditional local politics, and universally seem to be vulnerable to discrimination.

⁴ The work of Schmitter and Karl may have been one of the first in the democratisation literature that took accountability seriously. They defined democracy as: “... a regime or system of governance in which rulers are held accountable for their actions in the public domain by citizens acting indirectly through the competition and cooperation of their elected representatives”. (1991: 76). The view of political accountability is: “... a relationship between two sets of persons or (more often) organisations in which the former agree to keep the latter informed, to offer them explanations for decisions made, and to submit to any predetermined sanctions that they may impose”. (Schmitter 2004: 47; see also Schedler, Diamond and Plattner 1999).

It is unlikely that even decentralised authorities will be accountable to individual citizens, especially not from subaltern groups, if the latter are accustomed to not demanding accountability. In rural Cambodia, it is not likely that we will in the foreseeable future observe any spontaneous, unorganised political protests, open political confrontations or even openly critical inquiries based on individuals' needs. Instead, it is likely that successful demands or perhaps "negotiations" would suit rural Cambodia better as accountability will grow, if at all, through intermediaries like CBOs, labour unions, NGOs, village development committees (VDCs) or media (Mansfield & MacLeod 2004: 23; Burke & Nil 2004; Coston 1998; World Bank 2004; cf. Rusten *et al.* 2004). This is also the core of this investigation: to study to what extent the growing numbers of CBOs are able to demand accountability from the newly established CCs, which are supposedly open to such requests.

For citizens to receive accountability from CCs, therefore, a three-phase process needs to be at work. First, there must be a relation between the *demos* and its local organisations acting as intermediaries. Are these CBOs widely supported and do they have popular legitimacy for their cause? Are they organised? This is one critical link that was empirically investigated in the three cases in this study. Second, there needs to be a relation between the organisations in question and the local authorities. Are CBOs interacting effectively with local authorities (i.e. CCs, and to some extent the district offices). Are they enhancing political accountability? This is the second critical link for demanding accountability that was investigated in the empirical reviews. Finally, for accountability to be meaningful, the authority offering accountability must be in possession of some power through its position and role in the state system. If not, seeking accountability turns into a charade and local governance turns into hollow rhetoric (Manor 1999: 44).⁵

What kind of accountability, then, are we expecting to find? Research could talk about one "broad" and one "narrow" type of accountability. The narrow type would be to answer for the exact actions CCs have taken in relation to their precise mandate as stipulated in the laws. That would be the civil servant's accountability. While it is important, that approach would not really suit rural Cambodia, since the mandate of the CC is wide and general. The broad type of accountability would be to respond to why things are as they are and what they do in response to that. That would be the local government's accountability. In other words, we are more interested in the political responsibility aspect of accountability than in accountability efficient delivery. While this perception of accountability would require CCs to answer for many things outside their narrow mandate, it corresponds to how their responsibility is perceived locally. More formally, it also corresponds well to the fact that they are mandated to support government's national policies, secure law and order, provide conflict resolution, support the well-being of the community and protect the local resource base (Mansfield & MacLeod 2004: 6). In addition, in Article 42 of Commune/Sangkat law, they are required to defend the interests of their citizens vis-à-vis superior state agencies. So, while many particular issues are not the CCs' task, they are still their concern. For instance, without a specific mandate, various CCs have played an intense, controversial, crucial and successful role in relation to various fishery conflicts (Mansfield & MacLeod 2004: 41–44).

1.3. Justifying the Design of the Study and Methods

For quite some time discussions about civil society in Cambodia have revolved around NGOs, (often around) the international NGOs and their clients. With the spread of liberal political sentiments and, in particular, emerging in the aftermath of the first commune elections, however local NGOs, or what we prefer to call "community-based organisations"

⁵ In a very sophisticated process, local dynamics are also dependent on the policies that happen to be emerging from national politics at any given time. The impact of this, however, is beyond the scope of this study.

have sprung up in great numbers.⁶ Often without a very solid institutional framework, always without major funds, but rooted in the local society and sometimes with a legal standing, they are turning into key features in the localisation of politics. Although they tend to materialise from particular functional needs, most have a recognisable political face too.

By now, it may be generally accepted that organisational density has increased in rural Cambodia. Several community groups can be identified in rural areas in Cambodia⁷. What follows is a tentative inventory of existing CBOs.

- *Wat or Pagoda Committees*: These usually represent more than one village and typically consist of senior, well-respected volunteers who help and represent the pagoda. Normally there is no election involved.
- *School Support Committees (SSC)*: These are usually a group of respected people, teachers, school principals, local authority representatives and parents. The main task is to safeguard and ensure the sustainability of school activities.
- *Funeral Committees*: These are not permanent groups. They are formed whenever there is an emergency to help poor families who cannot afford a proper funeral.
- *Midwife Associations (also known as Health Associations)*: Their primary task is to assist in promoting awareness of hygiene and to help the sick to provincial clinics if necessary. This is often carried out with technical support from NGOs.
- *Help the Aged Associations*: These groups are formed to help poor people. They usually consist of old, respected people and members of the Wat Committee.
- *Water User Associations*: These are formed in communes with a need for active water management. The association is responsible for allocating water among farmers, as well as maintaining and constructing irrigation systems.
- *Dry Season Rice Cultivation Associations*: These are formed only in locations where there is a possible water source for dry season rice cultivation. Its task is to mobilise resources and improve the water supply. In some provinces, it coincides with the water user association.
- *Saving Associations*: Sometimes these are known as rice or pig banks to provide reciprocal help.
- *Community Fisheries*: These are often formed in areas adjacent to a fishing ground. The main duty is to be the watchdog for illegal fishing and cooperate with fishery officers and local authorities in order to stop fishing crimes. The local fishing community often gets technical support from different international NGOs.
- *Forest Communities*: These are set up among local communities in order to protect forests from illegal logging and to replant forest. They often receive technical support from international NGOs, but are not explicitly part of commune jurisdiction.
- *Road Maintenance Committees*: These are often created through the CCs, but not every commune has one.

⁶ CBO is not necessarily a well-defined term. The definition of a CBO is here taken as an organisation arising from the local community, responding to functional needs and being primarily run by local representatives. It has at least a minimal organisational structure and rudimentary ideas of membership. It may have connections to the state machinery and may be financed externally.

⁷ In Kim, Sedara and Ann Sovatha (2005), we classified grassroots groups in Cambodia into: firstly, organic groups, which are traditional and have been in existence in Cambodian society for many generations; and, secondly, mandated groups, which are often established by international organizations. They are fairly new in Cambodian society.

Naturally, not all the above CBOs exist everywhere, and where they exist they may have been formed for the “right” reason and in the “right” way (i.e. because they correspond to a local need, and in a democratic manner), but they may also have been formed in order to support various (semi-legitimate) interests and in a manipulative way. Some may, furthermore, be very “thin”, in reality involving very few people, while others are in a very early stage of development. Some may even have passed their peak, and are returning to oblivion. Moreover, besides the above-mentioned associations, which are to be found in many places and are growing in number, there are a number of less active local groups that are not seen in many places. Those include youth associations, music groups, women’s associations and literacy associations. Others are likely to appear as well, although this research did not encounter them in this particular fieldwork. While the presence of such organisations should not be exaggerated, recent research (Ojendal and Kim 2006) indicates that they are growing in number and scope, further validating hypothesis that CBOs activities are relevant for local politics. Some are, however, more mature and more significant than others, and we have chosen to focus on these.

This study limits its scope to a few specific types of CBOs, namely school support committees (SSCs), forestry communities and community fisheries. These groups are chosen for this study for a number of reasons. Firstly, there has not been any in-depth research about these groups and their interaction with elected local government. Even though some studies have been carried out on the role of local civil society (See e.g. Mansfield & MacLeod 2004; MacAndrew 2004; Biddulph 2001; Kim 2004; cf. Pellini & Ayers 2005), there is no comprehensive research on these specific groups.⁸ Secondly, they are all legitimised through a national regulatory framework by decrees emanating from their respective ministry. As such, they establish a connection between the civil society and the state. Thirdly, they are typically initiated and run by or in the local community, although there may be more or less covert state or NGO influence. Fourthly, and most importantly, they are all protecting local critical processes and as such should be able to rely on massive popular support and local authorities being responsive to their requests. The issues of fishing and forestry are of major significance for local livelihoods, and there have been many controversial cases in these sectors. Education, finally, remains one of the most important public issues everywhere. Although these three types of CBOs are admittedly not representative of the entire spectrum of civil society influence, they may be among those able to enhance CC’s accountability. The same response may also arise from other types of civil society engagement, but the ones chosen represent a mix of key local concerns and livelihood issues, as well as combining major political issues with local engagement.

Four different sites were chosen for this fieldwork. They were:

- 1) Prek Norint commune, Aek Phnom district, Battambang: The commune contains many local organisations, such as dry season rice cultivation association, help for the aged, credit, fishing, and women’s association. The commune has been the site for a previous study conducted by CDRI, so the researchers had already built some rapport with the community. An additional reason that this commune is significant for this study is that there have been some controversies between the fishing community and the local authorities.
- 2) Prek Thnaot commune, Kampot district, Kampot: In this commune, there are a few NGOs and many CBOs present: a parents association, fishing and forest communities and various ethnic groups including Cham, Vietnamese and Sino-Khmer. As with Prek

⁸ Pellini (2005) is a possible exception, although his focus is different from ours.

Norint, the site is well known by the researchers from previous studies. Interestingly, its commune council consists of representatives from four political parties.⁹

- 3) Prasat Bakong commune, Bakong district, and Kompong Khleang commune, Sotnikum district, Siem Reap:¹⁰ It is located in the Angkor Park zone, implying that there has been controversy regarding land issues. Moreover, a one-party council heads this commune, which provides a somewhat different political setting. As a result, a different outcome in terms of accountability could be expected. It is also noted that many NGOs have established themselves there and support a forest community and a large fishing community, which is to be expected since the commune is located close to the Tonle Sap.
- 4) Dar commune, Kratie district, Kratie: Researchers have built a good relationship with this commune since the fieldwork for the decentralisation design study (Rusten *et al.* 2004). It possesses many indigenous groups, and yet another pattern of accountability could be expected. It includes both forest and fishing communities. The commune is located in the province's remote north-east, where the general information flow between CCs and CBOs is limited.

In sum, the rationales underlying the selection of the five communes are that: i) through previous study by CDRI, researchers have built good rapport with the communes; ii) the three types of CBOs that are the focus of this study are established; iii) there is a variation in party representation in CCs (monolithic and multi-party), as well as in demographics or ethnic composition; iv) they are located in different geographical zones of the country, where different livelihood strategies are applied. This research therefore expects to be able to draw conclusions on the nature of local accountability against the background of particular livelihood situations, as well as against different political situations.

Research Methods

The study employed a qualitative approach based on focus group discussions and in-depth individual interviews. In each of the communes, the focus group discussions were carried out with representatives from all the three organisations, its members, heads of associations, village chiefs and villagers of both sexes. The number of participants in the discussions ranged from six to ten. An additional focus group discussion was always held with villagers of both sexes, assembling approximately ten persons at a time. This was preceded by a female villagers' discussion. The villagers were selected from among adult beneficiaries and non-beneficiaries of the three organisations. In total, four focus group discussions were held in each commune. A large part of the empirical input emanates from these. The research leader led the interview/discussion, while an assistant took notes. Quotes are sensitively translated and edited for readability, and they are not necessarily attached to individuals but to the focus group interview. While natural when working with focus groups, this also protects the identity of informants.

Separate individual interviews were held with commune councillors, heads of the three commune organisations, heads of the three relevant district offices and district governors. Attempts were also made to interview the heads of the three relevant provincial departments, depending on time availability. Previous studies have been conducted in several of these communes, which supplied us with a considerable amount of background information complementing the findings from this fieldwork. Efforts were made to review the literature in

⁹ In fact, this commune harbours the greatest political diversity in the country. In addition to CPP, FUNCINPEC and Sam Rainsy representatives, there is a commune councillor from the Khmer Democratic Party.

¹⁰ The reason we chose two communes in Siem Reap is that Prasat Bakong has a good forest community and Kompong Khleang commune is one of the biggest fishing communities in the country. Henceforth, these will be treated as "one" field site.

order to understand the historical and political culture throughout various period of time. This study was explorative in nature and thematic in its analysis. Although this research is not intended for a comparative study between the three CBOs, but it would offer a fundamental basis for further research.

Our empirical investigation focuses on the three different phases of accountability indicated earlier, namely, linking the *demos* to CBOs, CBOs to local authorities (CCs) and CCs to the wider political system:

- i) *Participation in and mobilisation for CBOs*: Are people broadly engaging in or supporting the goals of the CBOs? Are CBOs truly local and do they pursue local interests? To what extent do they exist as associations?
- ii) *Partnership and interaction between CBOs and local authorities*: How do CBOs and local authorities interact? Is there a growing partnership between the local state and civil society? Are there other local authorities that can be called upon for assistance in dealing with emerging problems?
- iii) *The power of local authorities in the political system*: Do the local authorities have the political power to deliver? Do they communicate properly with relevant actors? Could they act in a more dynamic way in the political system in order to fulfil their mandate?

These key empirical themes will be sandwiched between an introduction to the formal status and modus operandi of each category of CBO and an analytical assessment of the outcome of the attempt by each organisation to demand accountability. The organization of the paper will begin with the empirical description of the School Support Committee (SSC); Forestry Community (FC); and Communities of Fishery (CF). The paper will conclude with a brief comparison between different contexts and a discussion of the key research questions.

1.4. Limitations and Scope of Research

It should be understood from the above that this study is not meant to be a comprehensive review of decentralisation and deconcentration in Cambodia. Rather, it is meant to serve as a starting point for a longitudinal study of various aspects of accountability. As mentioned, the primary focus was the role of and relationship between the fishery, school and forestry communities on the one hand and CCs and other local authorities on the other. Although the leadership interaction and related technical matters of the three domains are vitally important, they lie outside the scope of this study. Moreover, this is not a case study of the concerned communes, but a thematic study of the relative impact of the different kind of CBOs and the context in which they are working.

BOX 1: Decentralisation in Cambodia***The Current Situation of the Decentralisation Reform***

The decentralisation reform was promulgated by a royal decree dated 19 March 2001, Article 5 of which stipulated: “A commune/*sangkat* governs local affairs of its territory in accordance with the constitution, laws, royal decrees, sub-decrees, proclamations (*prakas*) and legal instruments concerned. Legislative power and executive power shall be vested in communes/*sangkats*, and these powers shall be implemented in accordance with the constitutions, laws, royal decrees, sub-decrees, proclamations and legal instruments concerned.”

The principles for implementing decentralisation and deconcentration are promulgated in the 2005 *Strategic Framework for Decentralisation and Deconcentration Reform*. The reforms have two strategic goals: to strengthen and expand local democracy, and to promote local development and reduce poverty. The reforms are based on five important principles: i) democratic representation, ii) participation of the people, iii) public sector accountability, iv) effectiveness, and v) focusing on poverty reduction.

The government strategy is, in turn, based on the 2004 *Rectangular Strategy for Growth, Employment, Equity and Efficiency in Cambodia*. In this strategy, the government will continue to strengthen cooperation between the state and civil society based on the rule of law, to enhance democracy, freedom, social order and the primacy of law. Civil society will become an effective partner of the government in nation building. To this end, the government will encourage the activities of NGOs and other registered associations working to serve and benefit the people and the nation. The government welcomes the participation of NGOs in socio-economic rehabilitation and development and the promotion of democracy and respect for human rights. The government will speed up the drafting, adoption and implementation of the Law on Non-Government Organisations, with broad consultation with all relevant institutions and organisations.

The decentralisation reform has received cautious but largely positive reviews since its initiation in 2001. The commune elections were held in 2002 with little controversy; CCs were established, and new working methods were adopted. The commune/*sangkat* development fund is tied to the CCs’ development plans, and measures were taken to ensure that these plans were grounded locally. Although there are also critical assessments, there is a consensus that the atmosphere and general well being have improved vastly as a result of these (and other) reforms.

General criticism would entail the continued dominance in the CCs by one party, the compulsory party lists for candidates, the relative shallowness of the CCs and the slow implementation of substantial features of the law, such as local taxation and local law-making ability. A wider question is whether it is possible to reach sustainable democratic gains as long as the communes are democratic islands in an administration that is otherwise dominated by pre-democratic structures. This is supposedly addressed within the deconcentration reform, which has lagged behind but which may pick up speed during 2007.

Chapter 2: School Support Committees

2.1. Mandate and Mode of Working

Although the School Support Committees (SSC)¹¹ is not as old as the wat committee, it has typically been present at the local level for quite some time and is commonly seen as a local institution. It usually consists of a group of elderly people, teachers, village chiefs, members of the development committee (if it exists), commune councillors and parents (Kim 2004). The villagers normally elect these members. Each SSC consists of eight to 15 permanent members, with two or three from each village. The members are villagers whose children attend the school. There is no formal membership requirement and it is impossible to identify the exact number of members of the SSCs. Ultimately, all household heads are considered members.

The recruitment of the committee is based on seeking consensus among the villagers. First, village chiefs and commune councillors approach and identify individuals directly, asking whether she or he is willing to be part of the SSC. Second, each individual must be at least literate, popular and be respected by the majority of villagers (the judgment whether someone is respected or not depends on an interpretation of the general view of people in the village). Third, since one task the SSC members are expected to perform is fund-raising, the communities also like their members to have “charisma” (*barami*, meaning to have spiritual power) and have good external contacts.

According to the proclamation issued by the Ministry of Education, Youth and Sport on the role and responsibility of schools in supervising education funds (number 2430, 27 August 2001), “the school principal is responsible for overseeing the school funds and overall expenditures, but all expenses must be agreed by the representative(s) of the school support committee”. The explicit role and responsibility of the SSCs is also mentioned in this proclamation. It says, “The members of the SSCs have to be involved in developing the school plan, participate in setting up the plan for purchasing school materials and have the right of decision-making on school expenditures and other budget proposals of the school”.

According to research observation and interviews with the chiefs and members of SSCs, there is a long list of responsibilities for SSC members:

- Raising local contributions: the members go from house to house to raise money. Sometimes money can be generated by organising traditional ceremonies.
- Mobilising people/parents to safeguard schools and conduct maintenance: this is not a *corvee* (compulsory), because participation is voluntary. It is mobilising labour for construction.
- Raising awareness among parents in order to encourage their children to attend school: due to widespread poverty, some parents do not send their children to schools. In particular, female children are kept at home where they do the housework. Traditionally, Cambodian parents do not give priority to educating their daughters.

¹¹ In some places this is called “Parents Committee”. The difference between the two is that the SSC is more recently established based on the requirements and sub-decrees of the Ministry of Education, Youth and Sport, while parent committees have been in existence locally for many generations. In the past, the parent committee was integrated into the wat committee.

- Liaising with local authorities, school-teachers and the principal.
- Attracting resources from inside and outside the community: the members can seek resources from various rich people in the city or from NGOs.
- Supervising the spending of PAP (Priority Action Programme) money for the school.
- Offering advice to school principals or teachers.

A director of a district education office expressed his view about the role and responsibility of the SSCs:

The vital reason for establishing SSCs is to help in raising local contributions and funds by whatever means they can find. They have information regarding their community, how many people are literate or how many children are at the age to start school. They also work to encourage children and parents to send their children to school.¹²

Hence, they have a broad mandate, ranging from budgeting to social issues.

2.2. Participation and Mobilisation for CBOs—Are People Engaging in or Supporting the Goals of the SSCs?

The SSCs are generally appreciated locally. Hence it seems to be relatively easy to mobilise and engage people for their cause. There are a number of reasons for this. One point that attracts people's participation is that parents have a sense of ownership. Many people say that the local school is a concern for everybody in the commune; nobody should be allowed to "steal" education from their children. Moreover, unlike fishery and forestry communities (see below), they have some potential for generating contributions from powerful people and outsiders. According to people interviewed, the SSCs seem to be transparent in spending, and there are few economic controversies surrounding the local school funds, suggesting that most school directors seem to be performing well.

At least in the four communes, there was a high degree of information sharing between schools and the SSCs, and SSCs seem to be well informed about school policies. One SSC member commented regarding information sharing:

There are village chiefs involved in the SSC and it is very helpful, because they represent the local [commune] authorities and control more information, so they can disseminate information more effectively. As the local authorities, they have salty spit [an idiom meaning they are listened to attentively]. There is also close communication with CCs since information is shared with them. The channels of information between CC and SSC are direct meetings and informal interaction. Between the school and the CC, the channels are direct meetings and the information board in front of the school. So not only the CC knows school information, but also everybody else.¹³

Moreover, the most significant source of the relative popularity of the SSCs among villagers is its ability to make decisions. Although the SSCs do not have formal power like the CCs, they have the power, based on consensus among the members, to decide issues such as seeking local contributions, making contact with different potential beneficiaries and mobilising people for labour. These are activities that are normally conducted with the agreement, and often encouragement, from the school principals, who are an arm of the Education Department, not the CC. According to observations in the four communes,

¹² Director of district education office, Kampot province, 21 October 2004.

¹³ Members of SSC, Siem Reap province, 4 November 2004

principals and teachers tend to be helpful and share information with the SSCs about technical inputs and regulations. However, there is no direct influence from the district education office on the SSCs, thus allowing them room to manoeuvre vis-à-vis the villagers, who, in turn, seem to develop a sense of ownership. The SSCs mostly interact with villagers and parents and seek contact with outsiders for funding the schools. They have less contact with CCs and almost none with technical departments.

Gathering volunteers for a common task is however difficult in rural Cambodia. Commune councillors and many other officials complain that it is hard to engage people for the sake of the community, partly because they perceive school issues as common property. Everyone is instead very keen to pursue her/his own individual interests. Moreover, as Hughes (2003) has pointed out, for most citizens in Cambodia, contacts with representatives of the state at any level, except on the basis of kinship and friendship, are perceived as threatening and to be avoided if possible. This observation is largely confirmed by this study. Villagers are well aware that lack of community interaction, or engagement with the local state, will weaken local society. In spite of this awareness, collective action usually comes to the fore only in very minor doses. Each SSC might have many members, but only the head and possibly a deputy or two are normally committed to the job. Information sharing among members of the SSCs is generally quite limited. Although not by malicious intent, SSCs are rather centralised and autocratic vis-à-vis members. Lukewarm participation and habitually centralised leadership are likely to rapidly create a cycle of non-engagement. CCs and the parents are, however, generally committed to improving the work of SSCs.

Based on this research, it is evident that SSCs are performing fairly well in spite of little intervention from the technical offices, and that people have quite a strong attachment to the CBOs dealing with school issues. However, as with many CBOs, membership is blurred, and although there is generally wide support, most members are barely aware of what is really going on within the SSC.

2.3. Partnership and Interaction Between SSCs and the CCs: How do CBOs and Local Authorities Interact?

As a general pattern, SSCs have overall good relations with CCs, albeit on a shallow level. According to the interviews, it is widely recognised that SSCs are generally successful in their interaction with CCs. On occasions, they aim to influence the CC and to get it more genuinely involved, as well as to seek answers to their requests. The SSCs generally seem very much to want CCs to be interested and able to make decisions that would help the community, the school and the pupils. For example, when the school opens at the beginning of the school year, the principal asks the CC to help mobilise children to attend school. Principals also send reports to CCs whenever necessary, but not on a regular basis. Although the school principal is not member of the SSC, he or she normally serves as a liaison with the CC.

There are, as a rule, no regular meetings between SSCs and CCs. The SSC members tend, however, to be village chiefs or commune councillors, so it is not necessary to have meetings. All of the commune councillors interviewed claimed that they were eager to see active SSCs and always felt pleased when SSC members were committed to their task. However, the atmosphere in rural Cambodia is often marked by weak communication and suspicion of people seeking knowledge that is not their business (Luco 2002). One primary school teacher said:

In terms of communication with the CC, we [SSC] inform them about most things, except money. There is a lack of regular formal communication with the CC. We do understand that if there were good communication, it would be helpful in terms of ensuring mutual transparency. That does not mean the relationship is weak, but that information is channelled informally. The annual

*report is always sent to the CC and the commune chief. The problem is rather the lack of communication among the councillors themselves, because the other councillors sometimes come and complain that they have not received the report that we sent.*¹⁴

Although CCs are usually helpful and rarely try to block SSC initiatives, the flow of information seems inadequate to make CCs understand the work of SSCs. Currently, people are well aware of the workload of commune councillors, realising that they have insufficient resources to fulfil the requests of the SSCs and lack the power of decision-making in education. There is a meagre Commune/Sangkat Fund allocation to the CCs every year, but it is very difficult for SSCs to share in this funding because all priorities are stated in the commune development plan, while school funding is part of a more regular budget process. Although the limitations of the CCs are acknowledged, pressure is nevertheless starting to build on CCs to get involved in education. As a group of SSC members expressed it:

*The relationship with the CC is improving, but has not amounted to anything concrete because the commune councillors are newly elected. The role of the CC should be to have regular meetings, exchange ideas with villagers, find ways to mobilise resources and help out in spreading information, because the CC has the mandate to work for the community. We know that the CC does not have only one task to handle but must do other things too.*¹⁵

The fact that there is no open discourse on local politics does not facilitate issues of accountability and responsiveness; and whatever discussions go on are subdued and not necessarily transformed into public property. This is not surprising, as a lack of community cohesion and community interaction is common in rural Cambodia, and there is little communication between local organisations (Kim & Ann 2005). These are typically not willing to work together to build institutional linkages. People affiliated with the SSCs usually said that they were neither interested in nor willing to understand the activities of other organisations, even though in each commune there are many organisations and associations. The reason for the lack of interest seems to be that they do not want to be blamed for undue interference in the business of other organisations. Relationships occur basically with external NGOs or, more rarely, with relevant authorities that serve as explicit partners to the SSCs (e.g., the district education office). This observation tallies with what has been pointed out in many other studies: vertical relations are easier to establish than horizontal ones, and a social structure based on patron-client relations tends to nurture the former and shy away from the latter.

The slightly awkward relationship between SSCs and CCs might result from their unwillingness to interfere in the other's affairs. In a way, CCs are impeded from pursuing their agenda by the fact that SSCs is part of the technical department of education, which is superior to them in the state hierarchy. Although SSCs are indirectly sorted under the CCs' jurisdiction, CCs do not have the technical support to respond to SSC demands. Therefore, CCs keep a rather low profile, preferring to be reactive to SSC suggestions.

2.4. Do Local Authorities Have Sufficient Political Power to Deliver Accountability?

The responsible agency for local education is the provincial Department of Education. It determines the structures and makes overall decisions about schooling in the province, and it is the ultimate authority on these issues. Some of its tasks are delegated to district technical offices. SSC contact with state authorities, however, is to an overwhelming degree with either

¹⁴ Focus group discussion with teachers, Kampot, 22 October 2004.

¹⁵ Members of SSC, Siem Reap province, 4 November 2004.

the CCs or school principals. The latter are civil servants employed by the Department of Education, whereas the former have a more general mandate on social and overall development in the commune.

Relations with school principals seem to be marked by cooperation and shared interests. School principals must balance between the district education office and the SSC. They are staff of the provincial Department of Education, but at the same time must encourage popular participation, so school principals need to interact with SSCs. A group of SSC members explained:

*The principal works closely with the district education office and the CC. But the SSC always works closely with the principal as well. He always assists us and is very helpful, for example in checking the condition of children, the building, schooling materials and so forth. We do not know how and about what the school principal might report to and work with higher authorities. Our effort is to get the school properly equipped and functioning well.*¹⁶

Relations with CCs seem to be more distant and hampered by both relational issues—there is a mutual insecurity on what their roles vis-à-vis one another really are—and formal issues—what indirect mandate do CCs really have in education? What responsibility do they have in relation to fund-raising? An example of possible CC assistance is that, in one place, putting up signs to slow traffic in the school area would be a great help because the pupils are very vulnerable to road hazards. The council, however, has not been able to carry out even a minor task such as this so far. The response from the CC to the SSC was that it was not the responsibility of the CC, but of the Department of Public Works. In this example, it appears that the elected CC is too dependent on the technical department and not taking any initiative. Its mandate seems to be too thin and the communication within related state agencies seems to be too limited.

Occasionally, the SSCs make direct contact with district or provincial departments. This kind of contact, however, seems to be very cautious and carried out not to make requests or seek answers to particular questions, but rather for courtesy or for formal reasons. This is rare, and when it occurs, is normally taken care of by the SSC chief alone.

2.5. Do SSCs Trigger Accountability From Local Authorities?

The SSCs seem to be fairly effective in assisting local education, largely because parents and CCs genuinely feel that schools belong to them and are among their priorities. This sense of ownership is established because SSCs actually influence the organisation of schools, affect resource allocation within schools through a variety of mechanisms, help to mobilise labour for school construction and maintenance, generate and offer advice to school principals and teachers and seek collaboration with donors and local authorities. CCs are mainly relevant for supporting SSCs in general, but not for dealing with administrative and management issues.

A number of factors can be identified that explain this relative success. First, participation is pursued through activities that are open, for the common good and (often) quite well conducted. Second, SSCs frequently interact with commune authorities because of a joint interest in increasing the quality of local education. Third, their key members have good reputations and SSCs are often associated with the wat and receive some indirect legitimacy from this. Fourth, they have a certain autonomy, at least when they seek to generate funds externally, and do not have to rely too much on higher political levels. In this, they do not challenge any political actors and they bring more resources to the locality, which generally benefit the majority of the population. Generally, their activity and mode of operation could be a model for CBOs taking advantage of decentralisation.

¹⁶ Members of SSC, Siem Reap province, 9 November 2004.

It may, however, be premature to say that SSCs are successful in terms of accountability and building a good relationship with CCs. Although they seem to be fulfilling their tasks, it is questionable how many of their initiatives actually emanate “from below”, and how much is more a weak attempt by the Education Department to legitimise its activities. Relations with the CCs are generally good but shallow, as the SSCs do not vigorously pursue their demands, nor are the CCs too keen to be engaged beyond courteous relations. There seems to be no organic interaction with other CBOs, peer learning or inter-institutional collaboration leading to a more general civil society empowerment. Moreover, there is a lingering popular perception that the SSC is really a state agency, a public entity, for which the state should assume responsibility. Others even view SSCs as only symbolic, or possibly even manipulative.

Finally, the context in which the SSCs operate needs to be taken into consideration. There is no money to be made from the SSCs, as the committee members are parents and elderly people, and some are even members of the wat committee. They are trusted and they work for the benefit of local children. A commune chief in Battambang explained:

The SSC has been more successful than the fishery community. This is because their work and processes are different from each other. Another reason is that higher authorities can get more benefit from the community in the fishery sector than from the education sector. The district education office does not care about getting benefits for itself, but rather it seeks benefits for the school, so in general the SSC is moving forward.¹⁷

Thus, there are few controversies around the activities of the SSCs, which obviously facilitates their tasks.

¹⁷ Commune chief, Battambang province, 30 November 2004.

BOX 2: Case Study of Prek Tnaot Commune

Prek Tnaot commune, Kampot district, Kampot province: This is the only commune in the country in which the commune council has elected representatives from four different political parties. It is located along the coast, extending for about 25 km long. The commune shares a border with the Preah Monivong Bokor National Park. There are only small, scattered parcels of arable land owned by the commune administration, or available for commune residents. Therefore, residents have turned to fishing and gathering forest products. As in other places in Cambodia, due to population increase and degradation of natural resources, villagers are facing severe challenges to their survival. The commune also shares a maritime border with Vietnam, and there are different ethnic groups such as Vietnamese, Cham, and Sino-Khmer. Conflicts in the commune include illegal fishing, controversies surrounding access to and utilisation of the national park and land conflicts due to incorporation of commune land into the park and coastal zone. There are some NGOs working in the commune but it is mainly the Danish International Development Agency (DANIDA) that supports the forestry and coastal areas.

There is one active SSC in this commune. It consists of key members from the wat committee, village chiefs, CCs, school principals, teachers and villagers. The role of the SSC is similar to that in other communes, namely to raise awareness among parents and encourage them to send their children to school, collecting local contributions to maintain schools, cooperate with schools in spending PAP funds in a transparent way and liaising with CCs.

The problem of the SSC in this commune in relation to the CC is similar to other places: CCs do not have enough funds to meet the demands from the SSC. The most critical role of the SSC is to ensure transparency in spending money from local contributions and PAP funding. Furthermore, since the members of the SSC are mostly elderly, respected people, they are the main sources of advice to school principals.

It seems that CCs do not have enough power to be accountable to residents of the commune. In a large fishing zone like this, there are many technical agencies: coast guard, police, customs, fishery, forestry and so forth. According to the CC, the above agencies do not cooperate with it, thereby undermining the elected body so that the CC is unable to deliver what it knows it should. It therefore experiences problems in appearing accountable to constituents.

Chapter 3: Forestry Communities

3.1. Mandate and Mode of Working

Although forest management is explicitly excluded from CC jurisdiction, the role of the CC in this issue is still crucial for its popular legitimacy. Formally, the Ministry of Agriculture, Forestry and Fisheries (MAFF) is responsible, although it delegates its powers to its provincial departments.¹⁸ According to the government sub-decree on community forestry management, forests are “state and public property, and the forestry administration has the right to give official recognition of each community forest boundary” (RGC 2003: 2).¹⁹ The main objectives of this sub-decree is to support the implementation of the forestry law and other legislation regarding local community management of forest resources; to support the government’s policies of poverty alleviation and decentralisation; to provide an effective means for an FC to participate in reforestation, rehabilitation and conservation of natural resources, forests and wildlife; and to enable citizens to understand and recognise the benefits and importance of forest resources through direct involvement in their management and protection (RGC 2001). As described in the administrative proclamation on their role and responsibilities, the following are the formal duties of FCs in their day-to-day activities:

- Helping to disseminate information on forest protection to villagers;
- Occasionally mobilising people for reforestation (reforestation days);
- Being a watchdog against illegal logging and reporting to the CC and other relevant authorities (e.g., forestry administration office);
- Liaising between different NGOs or authorities and villagers.

Although this list potentially contains many tasks, the primary role of FCs has turned into reporting illegal logging and illegal transport of timber to CCs or other relevant authorities. The FCs have no direct power and certainly no law enforcement mandate.

The leaders of the FCs are elected at the commune level. The sub-decree stipulates: “The power to lead and manage an FC is gained through the election of community members” (Article 4, RGC 2001). Usually, there are five to 10 active members working closely to coordinate the concerned villages. Each village has four or five representatives to the FC, but as with the SSCs, ultimately most households are considered members of the FC. Even though village chiefs and commune councillors do not necessarily serve as leading members, they seem always to be active within the FC. Research found, all members that work on a voluntary basis, in line with Article 5 of the sub-decree.

¹⁸ Commune councils, according to Article 44 of the Law on the Administration and Management of Communes-Sangkats, have no explicit authority over forest resources but, according to Article 43 of the same law, they have a general responsibility to promote social and economic development, protect and conserve the environment and natural resources, and conduct general affairs to meet the needs of the citizens.

¹⁹ A recent study by McKenney et al. (2004) indicates that numerous names have been used to refer to forestry communities, including “participatory forestry”, “co-management forestry” and “social forestry”. The general rationale for the forestry community is “to allow villages located in and around forests to participate in forest management and establish a form of partnership or agreement with the government” (ibid: 48). However, local perceptions of forestry communities seem to be different from those held by the government’s community forestry management units.

In addition, Chapter 2 of Article 7 states that the district forestry administration shall assess and analyse the requirements and problems faced by the local communities in order to ensure that the FCs are established as requested with the involvement of local authorities. Thus, although driven by local engagement, the functioning of an FC is ultimately the responsibility of the local state, including the district technical departments with decision-making responsibility. In spite of the formal state connection and the fact that the FCs are local initiative groups, however, all FCs in this field study are formed or established by international NGOs, with meagre collaboration with technical line departments, such as the provincial forestry administration or department of environment. Moreover, they largely obtain their technical and management support from international NGOs. Many FC leaders interviewed had been individually trained by NGOs on technical and management issues.

3.2. Participation and Mobilisation for CBOs: Are People Engaging in or Supporting the Goals of the FCs?

Villagers are very aware of the degradation of the environment and natural resources as a result of the massive flow of information from NGOs and broadcast media and, most importantly, because they themselves are suffering from the mismanagement of resources.²⁰ This motivates people to volunteer for the FCs, as they see that the forest is in real danger and there is no protection for the younger generation, who might not be able to enjoy a healthy environment. The decline of forest resources also affects rural livelihoods, including creating a shortage of firewood, declining resources for food foraging and fluctuations in rain and water run-off that seriously impede other activities such as affecting the rural livelihoods of the villagers.

In many places, it is not initially difficult to mobilise people to participate in local communities because they are very keen to safeguard the common resources and they see the threat of declining resource availability in their localities. The level of participation, however, tends to depend on the performance and effectiveness of the FCs. Poor performance and a lack of power of the FC cause frequent disappointment among its members. This rapidly enters into a vicious cycle in which support and efficiency, after an optimistic start-up, soon begin to spiral downwards. People do not normally drop their membership, but their participation fades and they hope someone else will do the job. As with other CBOs, the FCs face limitations because people view them and other local groups as dealing with common property that should be dealt with by the state. Therefore, people do not always have sufficient incentives to participate. Moreover, their participation does not necessarily give them personal benefits at least in the short run. It may, on the contrary, be dangerous, so mostly only the chief and the deputy of the FCs are active, as with many other CBOs. The majority do not see, or do not understand, the significance of being active and the difference it can make in the long run. Or possibly they weigh the pros and cons of spending their time with the community and conclude that they are individually better off spending time in their own fields.²¹

²⁰ While villagers do not mention this, it is likely that in addition to general protection of the environment, there is also an element of safeguarding resources for their own use.

²¹ This is a classic “prisoner’s dilemma”: each individual seems to be better off if they make decisions supporting themselves individually, but if all individuals make decisions that benefit the collective, all in the collective would be better off than in the first case. Individuals may realise this but still tend to make individual decisions since they do not trust others to make collective decisions. The worst case for each individual is if s/he makes collective decisions but everybody else makes individual ones, whereas the most favourable case, and the one many are secretly opting for in large collectives, is where everybody else make collective decisions but oneself gets away with individual ones. Historically, failed attempts at collectivisation and large-scale violence may have resulted in a tendency for the individual household in rural Cambodia to opt for individual decisions.

In addition, the sub-decree's direction to the forestry administration to assess and analyse the requirements and problems faced by the local communities that have requested to establish a FC does not tally with the actual situation, in which the FCs are typically created by NGOs with a measure of local initiative. Besides the legal framework, the legitimacy of the FCs depends on their performance in sustaining forests. One reading of the people's perception of the idea of the FC is that they are viewed as a symbol with no real impact. A group of villagers in Kratie revealed:

*The role and responsibility of the FC are not clear. This FC was just created as a symbol to represent the villagers because it does not have power to stop criminals. If they see crimes, they just report to the district or provincial forest authority, eventually reporting to the CC, but nothing happens.*²²

This type of perception is similar among the four communes. People seem to have high expectations at the beginning, motivating them to participate in the FC, but after a period they lose motivation and commitment, referring to the FC as an “external appearance or show off” (*Mean Te Sombork*).²³

3.3. How do FCs and Local Authorities Interact?

A consequence of the initiation of democratic decentralisation is that the popular demands on the state for protection of local natural resources have been pushed downwards toward local authorities, mainly the CCs (in spite of them not formally shouldering the core responsibility for this). After the commune elections in 2002, the gap between CCs and their constituencies was bridged to some extent, allowing villagers to approach the CCs asking for different activities. The interaction of commune councillors and the FCs is frequent. As the head of an FC put it:

*The relationship between the FC and the CC is good. Each side has the motivation to work together. But the fact is, people do not understand the laws and to what extent the CC has the power to decide. Judging from my experience working with the FC, whenever we go to the CC they help us quickly to find a way to solve the problem. As you know, we are all living in the same community—villagers, FCs and CCs, no problem at all. If problems occur in the commune, they are easy to deal with, but if it needs intervention from the top, please wait and see.*²⁴

It is in the interests of the CCs to have well-functioning FCs to help the commune, as the FCs to some extent shield the CCs from popular discontent when local resources are mismanaged. In theory, the FC complements the CC because the FC engages in activities for which the CC does not have the formal mandate. It is also generally acknowledged that there is some progress from the work of the FCs regarding the safeguarding of community forests. It is a common perception that before the FCs were established forest abuse was a free-for-all, but that after the FCs came into existence to a certain extent abusers could not operate openly. At least they knew that people in the community were watching them and reporting to higher authorities. As we will see below, however, the FCs require significant support from formal authorities in order to be accountable and to be able to assist in managing forest effectively. Overall, the relationship between CCs and FCs seems to be good-natured, although not necessarily efficient, in most places.

As might be expected, however, there are also some limited tensions between FCs, CCs and villagers. For instance, a group of villagers and members of the FC in Kratie said, “When

²² A group of villagers in Kratie, 25 October 2004.

²³ Members of FC in Kampot 22 October 2004.

²⁴ FC chief and members, Kampot province, 19 October 2004.

people see forest crimes, we question ourselves what is the role and responsibility of the CC. After many times informing the CC and finding out the CC cannot do anything, it creates a lot of disappointment and mistrust of CCs and related authorities.”²⁵ A key source of frustration is that when the FCs fulfil their task and report to the proper authorities, perpetrators are still not caught and punished, and often not even prevented from returning and repeating the same abuse. Other resentments between the FCs and the CCs include misunderstanding and lack of mutual respect between the two institutions. Since the FC is not under CC jurisdiction, there is not much direct support from CCs to FCs. CCs normally offer advice, however, and sometimes view FCs as acting as if they were more responsible to the international NGOs that created them. A group of FC members and villagers in Siem Reap said, “The commune councillors cannot give us anything in terms of materials and financial support, only advice and opinions”.²⁶ The opinion put forward by FC members is different from the CCs’ view of FCs. Commune councillors in Siem Reap said, “Those FCs have material, financial and technical support from different international NGOs. We know that they have been invited to attend training in Phnom Penh and Thailand a few times. We as the CCs do not have that sort of luxury.”²⁷

The relationship is normally good between the CCs, the FCs and the district offices in terms of day-to-day administrative routine, since many civil servants seem to be friends and distant relatives. When it comes to responsibility for natural resources such as forests and fisheries, however, these local authorities are reluctant to assume responsibility. As time passes, there are growing indications that local groups will eventually blame the CCs for their lack of motivation to assist the community. This has so far occurred in only one commune in Siem Reap where the FC and the CC disagree, as outlined above. The CC should have more confidence and offer pro-active protective work, instead of depending entirely on technical departments to decide things for the community, according to the FC. As one group of FC members articulated:

*The commune council does not really commit for community or villagers. They are still reluctant to make decisions. Whenever people go to them in time of trouble, they always say it is not their responsibility, but the technical departments”. If the commune keeps on thinking this way, it will not be able to respond to people, how can they be accountable? At the end of the day it will make people lose trust in them, since they are only splashing water at one another, and no one is held responsible for the ongoing destruction of natural resources.*²⁸

Out of frustration with local authorities not being able to deal with the situation, members of one FC took concrete action. In order to protect the forest, instead of first informing the relevant authorities, they took action themselves in order to curb the perpetrators. They stated:

*The [forest] community plays the role of safeguarding and protecting the 10 hectares of forest. If there is anyone cutting down trees or destroying forest products, the community has to arrest those perpetrators first and then educate them. We do not need to report to the CCs or technical departments. If we wait for their intervention, the perpetrators could run away. Sometimes we need collaboration from the police in the commune as well. This has been working well because we stop crime on time.*²⁹

²⁵ Villagers and FC members, Kratie, 25 October 2004.

²⁶ FC members in Siem Reap, 3 November 2004.

²⁷ CC in Siem Reap, 4 November 2004.

²⁸ FC members, Kampot province, 19 October 2004.

²⁹ A FC in Siem Reap province, 3 November 2004.

In this area, according to the villagers, the FC has obviously been working well by reducing abuses, hence legitimising the CC in the eyes of the villagers. It is, however, a risky business to take concrete action on a thin mandate and without the blessing of the formal authorities. In other places, for instance in Kratie and Kampot, FCs seem to be less concerned with forestry crimes because they think that it is not solely their responsibility and if they want to curb the crimes they need cooperation from many authorities, mainly the forestry administration, which involves a lot of cumbersome bureaucracy.

Many people in the FCs recount that they have arrested perpetrators on several occasions and tried to get support from the district or provincial forestry administration for their action, but no response had arrived in time, forcing the FCs to let the perpetrators go. As a result, most engaged people lose motivation to continue to work with the FCs. Even worse, sometimes the FCs become a scapegoat and perpetrators seek revenge on FC members, adding another impediment to recruiting and motivating people to work in the FC. The decline in motivation among FC members was observed in Kratie, where they said:

Our forestry community has no power to do anything. If we see crimes, we must report to the technical authorities, mainly the forestry administration. They do not come as we suggest. If they come, they only take money from the perpetrators and go back, doing nothing. This corruption issue exists within the relevant authorities.³⁰

The lack of clear regulations and a line of responsibility has resulted in many problems being put to CCs. Normally, according to the interviews with FC members and villagers quoted above, whenever problems escalate, the only place they can report to is the commune council. Once in a while the FC chiefs also lead the group to inform the forestry administration office, but this procedure takes too long as a response to the problem at hand. While the CCs may try to be accountable, they face a difficult situation, since it is common that the constituency is placing unreasonable demands on them. Many commune councillors express their difficulties in simultaneously dealing with villagers and line departments. The CCs claim that villagers do not understand the law and regulatory frameworks, and departments do not respond properly. These resentments were expressed by the chief and members of an FC:

The primary ongoing problem of FCs can be phrased as a question: can CCs in collaboration with FCs do anything for the sake of this community and be accountable to villagers? We work closely with the CC informally, but we do not have a regular meeting with it. When we run into forest crimes, the only authority we can report to is the CC. After this, CCs have no power; they report to the district. We think that to make FCs more effective, CCs need to be given some executive power to intervene.³¹

A similar resentment came from a CC concerning its view on FCs and what the problem was:

There are many local groups in this commune, at least nine of them are active—SSC, FC, fishery community and so on. A few critical issues such as lines of communication and responsibility between CCs and technical departments are involved and many line departments are stationed in this commune; the resources in this commune are less for the benefit of residents and more taken by powerful people. Local groups such as FC are weak because they do not have power to stop the crimes.³²

³⁰ FC members in Kratie, 25 October 2004.

³¹ FC members in Kratie, 25 October 2004.

³² CC members in Kampot, 18 October 2004.

BOX 3: Case Study of Forestry Community in Bakong, Siem Reap

This forest community was established in 1998 based on an initiative from people in the commune and moral and technical support from the FAO. The primary reason for this initiative was that people saw the destruction of the forest, so they wanted to create something to protect the current forest for later generations. There are altogether approximately 170 households that are members of this community. The livelihoods of the villagers come primarily from rice cultivation and fishing. Moreover, since the commune is located in the archaeological and tourist site of Angkor Wat, many villagers have small-scale businesses or work in Siem Reap town as construction workers or in hotels and guesthouses. The distance from the commune to Siem Reap town is 13 km. People frequently commute by bicycle to work in town.

The community safeguards and protects a 10 ha forest in Stung village. If anyone cuts down trees or destroys forest, the FC has the right to arrest and educate them. They do not have to report to the commune or a technical department. People use this unilateral right because they see that it is the only effective action to protect the forest. By cracking down on crimes on the spot, their work appears very efficient. If they wait until they are reported to the CC and/or the forestry administration, it is too late to stop the crimes, they claim. This activity takes place only in the 10 ha of forest that “belongs” to the community. It is, however, being threatened because the location is part of the Angkor archaeological conservation zone and the price of land is skyrocketing in the area, attracting major political and capital interests. The forest lands can be sold, but it may in the future.

Information sharing among FC members is primarily by word of mouth and face-to-face interaction. Inter-organisational cooperation is good, mainly with other communities in the commune. This is quite unusual and an interesting deviation from the norm, which occurs because the FC members have participated in different training and study tours organised by FAO and other international organisations. There are rarely any regular meetings between the FC and the CC. According to the field observation, this might be due to two separate reasons: i) the CC thinks that the FC is working well with the villagers and the support from FAO; ii) when the FC submits a request for the CC to help stop forest crimes, there is little response. There is a lack of interaction between the FC and the CC. Some FC members explain that the CC does nothing to support the FC, which is leading to mistrust between the FC and the CC. In conversation, councillors contended that the FC has never informed about its activities or come to collaborate with the CC, which is the local authority. This is generally understood by the CC as resulting from the FC being more enthusiastic about working with international NGOs than the local state.

3.4. Do Local Authorities Have Sufficient Political Power to Deliver Accountability?

Forest resources have been under heavy pressure for more than a decade, and although some regulations have come into effect, the sector has proved difficult to regulate. Who is to take ultimate political responsibility? CCs are positioned awkwardly between their constituents and higher authorities or departments. They are squeezed between the mandate to promote the well-being of residents, which to a large extent depends on access to forests and fisheries and to protect the local environment and natural resources, which again involves forestry and fisheries, while having no proper mandate in these sectors. It is difficult to act forcefully, and at the same time they are in a position to escape making some kind of response. Formally correct or not, the CCs are held responsible for local wrongdoing. A group of commune councillors explained the situation thus:

The commune council is what the FC and villagers turn to in order to report matters and seek help. We are very serious about working for the people. But what can we do? We just report to relevant authorities at the top, i.e. district and relevant departments. Sometimes after a few days we see the same perpetrators come back to commit more crimes. The higher authorities do not care because they are not living with the people, but it is the commune council that faces the heavy burden of explaining to people. The council is caught between higher authorities and villagers. Obviously, people challenge the commune, not the district or other agencies.³³

Another group of commune councillors expressed similar sentiments:

The main problem we face is inadequate lines of communication between the CC and the provincial technical departments. The CC has good partnership with the villagers. When people report to us, we just channel the report to the district or forestry administration or other relevant authorities, but we do not expect anything to change. As a CC, reporting is the only power we have now. After we report, the technical offices do come to intervene, but when they go back, the perpetrators come back too.³⁴

Sometimes the FCs get upset with CCs and district authorities because they claim they have no power to improve the situation, causing the FCs and villagers to lose confidence in the local authorities. This resentment was found in all four communes in this study.

There seems to be a degree of frustration from the side of both CCs and the district office. It is frequently claimed by district and commune offices they are not given full responsibility over their jurisdictions. “Decentralisation is just on paper, but not in reality”, is one comment that was made in frustration by commune councillors in Kampot and Kratie. The only clear power the district offices and CCs have is police and military. Predictably, in some places, rather than alerting higher authorities who, in the view of the CCs/FCs, will come only in order to be bribed and then leave without solving the problem (if they show up at all), the district and CC prefer to use force and implement their understanding of the law. One of the four communes where this research was conducted frequently uses this measure and, in their view, it works pretty well. Undeniably, it provides a forceful response to the people’s demands.

It might be expected that the district office would shoulder some responsibility for decision-making and the lack of support to the CCs and FCs. The interviews with district offices in all research areas in this study, however, elicited that the forestry and fishery communities are under the departments, implying that the district office has no influence over them. Although the district has many technical offices, the power of decision-making in those offices is under the relevant provincial departments. A district governor put it this way:

We stand and watch without making any decisions. Every month, both forestry and fishery offices report directly to provincial departments. Although the report, which is certified by the community facilitator, is also copied to the district, still the district is not well informed about the situation on the ground since some technical offices and local organisations bypass local authorities such as the district office and CCs. The information is given to the district only because the district has a local representative.³⁵

³³ Commune councillors, Kampot province, 18 October 2004.

³⁴ Commune councillors, Kampot province, 18 October 2004.

³⁵ District governor, Siem Reap province, 8 November 2004.

There is a widespread opinion that departments do not execute the work directly by cooperating with elected councillors, but rather just come to inform people about new regulations without giving any clear account or grounds for making decisions. Ministries are seen to be either too centralised and acting with too much bureaucratic delay, or they are plainly uninterested in local wrongdoing but keen on generating bribes. Some claim there are also chains of patronage in which private interests are defended.

Interviews with the provincial forestry administrations were carried out in order to seek clarification on regulatory frameworks, roles and responsibilities for enforcing the laws. In their view, there is an unacceptable and confusing lack of local coordination, presenting them with contradictory, unreasonable or even illegal demands:

Almost all of the FCs are established without formal regulations or formal recognition by the government, formed by NGOs with no coordination whatsoever from the forestry administration. We never receive reports from them or NGOs. This [the expansion of the number of FCs] is driven by NGOs only; we do not know what the process is. Maybe the forestry communities in the commune that you are looking at are just consultative committees, not FCs. The laws stipulate clearly that the local authorities have no right to arrest perpetrators but just to stop the perpetrators temporarily.³⁶

According to this view, there is a serious lack of communication and coordination between technical departments and local communities, as well as a lack of political will to assume overall political responsibility in order to correct wrong situations. There may even be economic interests in maintaining the status quo.

3.5. Are FCs Triggering Accountability?

The above illustrates how difficult it is for CCs to be accountable, especially in a sector like this. The CCs have become the political nexus to which everybody turns and from which they expect accountability. On one side, there is the constituency that has elected them and would like to see rapid change for the better, irrespective of the formal mandate the CCs have. On the other side, there is the state machinery (the higher authorities), which, typically, “passes the buck” and displays a mix of non-accountability and bureaucratic sluggishness (also possibly protecting vested interests). On top of this, there are the external NGOs who often have a stake in the situation and to which the FCs may feel obliged to report and take advice from, further confusing lines of accountability.

There are many indications that the CCs actually try to be accountable, but are unable due either to unclear mandates and lines of responsibility within the state machinery, or to their inability to express themselves in a way that will be understood by ordinary people. It should be pointed out also that forest management is a rough business, often involving violence, top politicians, vested interests and huge amounts of money. For that reason, it is often far beyond the means of a local community to deal with the problems that arise. Hence, the relations with higher authorities are crucial.

Another twist is that in a situation in which civil society—FCs and others—has managed to put pressure on CCs and district offices, it has resulted in the local authorities overstepping their legal mandate and using police and militia to arrest perpetrators. It also sometimes happens that police neither inform nor cooperate with the CCs before cracking down on crimes. In these cases, an accountability of sorts is upheld, but not in the way that the literature on democratic transition and local governance anticipates.

³⁶ District forestry administration in Kratie province, 27 October 2004.

Chapter 4: Community Fisheries

4.1. Mandate and Activity

Fishing communities have been encouraged by the government since 2001, when it released 52 percent of the private fishing lots to local communities. The sub-decree on community fisheries (RGC, 27/5/2003) (see Annex) states that community fisheries should be created with the technical and administrative support of the MAFF, as well as emanating from local initiative. As with the FCs, however, most of the interviewed CFs were created through collaboration with international NGOs. None of the CFs in the four communes was established by the MAFF. Local initiatives and instances of collaboration with local authorities are, however, commonly in line with the intentions of the sub-decree. Article 41 of the sub-decree stipulates that commune/*sangkat*, district/*khan* and provincial/municipal authorities are obliged to:

Facilitate and support the establishment and management of community fisheries, cooperate in combating fishery crimes when there is a request from a community fishery with participation from the fishery authority, help disseminate government policy in the fishery sector and encourage community fisheries to implement their statutes, internal regulations and management plans.

Many of the CFs were established during 2001–02, but some were set up as late as 2004. Not all of the villages in a commune have CFs, only those that have a boundary with a fishing zone. Normally, all households in those villages are eligible to be members of the CF. The size of the CF committee depends on the numbers of households in the community, and committees range from five to 14 people. All committee members participate on a voluntary basis and must be elected by all members. In reality, though, committee members are selected from each village in the commune. Once the committee members are elected, they select deputies, a treasurer and a secretary (see Annex). Usually, the chief and the deputies are invited for management and technical training, which is offered by international agencies.³⁷

The primary duties of the CF are to:

- Safeguard natural resources and the environment;
- Be a watchdog to curb illegal fishing and provide information to relevant authorities;
- Liaise with the fishery department and CC;
- Educate and disseminate information in order to prevent degradation of natural resources;
- Cooperate with local authorities to counter illegal fishing.

Formally, however, there is an even longer list of CF responsibilities in the sub-decree (RGC 2003).

³⁷ In this case FAO and Danida.

Like the forestry sector, the fishery sector is a difficult field to regulate. It is known as one of the most frequent reasons for local conflicts, and it is typically here—even more than in forestry—that livelihoods are threatened through legal or illegal encroachment by outside interests in a struggle for limited resources on the fringe of subsistence. The CCs have a general mandate to protect local natural resources, but neither water nor fish is mentioned in the commune law, making the CCs' mandate even more vague and activities even more difficult to regulate.

4.2. Are People Engaging in or Supporting the Work of the CFs?

Fisheries are one of the key priorities for maintaining livelihood systems in rural Cambodia, and in many areas most households conduct some kind of fishing or depend on related activities. Participation in improving the conditions for local fisheries could be expected to be one of the most obvious actions, even for ordinary villagers. This is also partly confirmed by the study. As with forestry, the pattern seems to be that people are very active in the beginning but simultaneously keep a distance and watch the performance of the CFs very carefully. If results are not achieved, after a while, engagement seems pointless. This was the case in the forestry and fishery communities in Kratie and Battambang. At the end of the day, as in many rural CBOs, only the chief and the deputies remain committed and hard working. According to a chief of a CF:

It is not difficult in the beginning to mobilise people to participate in the CF or the FC because they know the risk of declining natural resources and the harm to their livelihoods. But people's expectations of the CF are too high. As you know, we do not have power to make decisions and we lack resources to do the job properly. After a time, many members stop being active and do not want to hear anything from us. They might offer only moral support, and most of them are very individualistic. It is also difficult to share information among members. This causes the CF and the people not to understand one another very well.³⁸

Although somewhat discouraging, the above remark should not be taken as a popular rejection of the CFs. Others working with CFs reveal a belief that the quality of their work really matters. Once the people understand the long-term goal of CFs they will, it is hoped, participate. The chief of a CF in Battambang province said:

As CF chief and committee members, we must be role models for the villagers. Transparency and commitment are vital. People in this commune now see with their own eyes that the CF is working hard to curb illegal fishing. We make every effort with NGOs and the authorities to make this work. Last year and this year things have improved a lot. The district and commune are very cooperative, and people now even come to me voluntarily to offer their boat and other equipment if needed by the CF to combat crime. The reason is that, since last year, after we became serious about stopping illegal fishing, the fish harvest has increased in our commune.³⁹

The commitment of the CF members seems to be related to the level of awareness about the situation of fishing in the community and the threat to it. Many committee members interviewed expressed concern about the degradation of the fish stock in the lakes and streams and how this affects their livelihoods. Many people said that the decline of fish stocks is caused by dysfunctional management by the relevant authorities, allowing illegal fishing to take place. In the absence of more substantial interventions, cooperation and moral support—especially from CCs and district authorities—are vital to encourage CFs to work effectively.

³⁸ Community fishery chief, Kampot province, 19 October 2004.

³⁹ Community fishery chief, Battambang province, 2 December 2004.

A district governor in Battambang explained how moral support has helped the CF in his district:

From the district, we need to give moral support against fishery crimes. The CF can confiscate illegal equipment used by perpetrators, but does not have the right to destroy it. However, it can keep the confiscated equipment at the CC office or sangkat fishery and report to relevant agencies.

He elaborated on what else could be done:

There are at least three types of intervention for curbing fishery crimes: big intervention, commune intervention and CF intervention. The big and commune interventions require cooperation from various authorities, especially police and the fishery administration. So although FCs always claim full responsibility for managing this issue, to grant that is a bit difficult.⁴⁰

Inter-agency cooperation is critical for the successful sustainability of the FC. In light of the failure to achieve this, the CCs appear in a bad light (being the only agency at local level prepared to receive complaints). Predictably, there are some complaints from CF members in Battambang and Kampot of a poor relationship with the local CCs.

A somewhat unexpected difficulty for the CFs seems to be that they themselves experience legitimacy problems. Many of the CF-members feel that they are affiliated with, or even being the staff of, an NGO or a technical department, rather than part of a local community initiative. They become too dependent on either the authorities, who determine the limits for their work, or the particular external partner that is financially supporting their activity, when they are really elected by the people and should be a grassroots movement. They fail in their downward accountability and pay more respect to upward accountability, something that is sometimes acknowledged self-critically.

4.3. How do CFs and Local Authorities Interact?

Regular meetings between CCs and CFs are rare. The reason for this is claimed by CCs to be responsible for the workload, which was, everybody agrees, overwhelming in the first years after the reform was initiated. From general observations and from interviews with CCs and members of local associations, CCs seem, however, eager to learn about the performance of local associations, including the CFs. From time to time, councillors run into members of the associations, and they always ask about their activities, but only then. It is quite rare that villagers or CFs demand to be informed by, or demand the right to pass on information to, the CCs. The prevailing social norm dictates that villagers seek assistance and information from the authorities only if they have a really serious problem.

People interviewed often ask, “How can we count on the CCs to respond to the peoples’ suggestions when they do not have power and resources?”⁴¹ This suggests that people do not regard CCs as responsible but, rather, tend to understand the difficult task that CCs face. The chief of a CF pointed out:

It seems that decentralisation today is just decentralised work, but not devolving power to the commune to do anything. For example, the most prevalent problem in the commune is fishery crimes that the commune is unable to control or prevent. The fishery community is created just on paper, but they can’t control or intervene against fishery crimes. However, the commune now communicates better, so people now are more informed via participation and interaction with

⁴⁰ District governor, Battambang province, 30 November 2004.

⁴¹ Community fishery members, Kampot province, 19 October 2004.

*CCs, for example through local contributions and commune development plans. The commune is elected to be accountable to the people, but if the CC cannot help people when abuses occur, it makes people lose trust in them.*⁴²

These sentiments are common in the CF communities too:

*This community was just created as a symbol, without being given any right to do anything. The creators just established the community and went away. They have never provided any support; therefore, the community cannot produce any outcomes.*⁴³

The head of a CF and its members in Battambang said:

*CCs are not curious and never come to learn about the CF. They should listen seriously. CFs have to go to CCs in times of trouble. There is a lack of information sharing from the CC to CFs. It is exactly the opposite for some NGOs and authorities: when we need to disseminate information, in particular to relevant provincial and national agencies, we trust those NGOs to help.*⁴⁴

Hence, the record of CC accountability is mixed.

4.4. Do the Local Authorities Have Sufficient Political Power to Deliver Accountability?

The most critical issue regarding the work of the CFs that is the relation between CCs and other state agencies. One group of villagers claims:

*We voted for the CC, but they cannot help us with anything regarding fishery issues. They can help us to report to a higher level. The higher level does come to check. Then there are two kinds of interventions: the first is to make an arrest, but then release the perpetrators for a bribe. The second is to arrest to satisfy the people. The second can be done to any boat, even a boat with a legal licence. When they say, "You are wrong", it has to be wrong. There is no objection allowed, and money has to be paid. It is their norm; they do business like that. We are willing to obey the law, but if obeying the law will kill us, we have to violate the law sometimes. We are prohibited from catching in shallow water, but if we cannot catch anything in deep water, we have to work in the shallow area. We have to put food on the table and pay back our loans.*⁴⁵

Wherever an interview with CF representatives took place, the chief of the CF claimed that the department is responsible for the CF, and the CF is not given a proper mandate and full responsibility. It cannot be emphasised enough how important this formal mandate would be. Without full cooperation from all relevant authorities, including the *sangkat* fishery (*sangkat* is the fishery administration below the provincial department and stationed at the district level—not the *sangkat* or commune administrative unit), commune police and technical ministries, it is impossible for the CFs to intervene effectively. If the CF and local authorities wait for fishery department staff to come to the area, perpetrators might escape. It is also not uncommon for illegal fishermen to be organised and use mobile phones and other sophisticated devices.

A group of commune councillors and villagers said:

⁴² Chief of CF in Kampot province, 20 October 2004.

⁴³ Focus group discussion with CF, Kratie province, 25 October 2004.

⁴⁴ Chief of CF and members in Battambang province, 2 December 2004.

⁴⁵ A group of villagers, Kampot province, 20 October, 2004

The people now are aware that the depletion of natural resources cannot be blamed on the commune alone, but on the departments. This is because the commune and district have given a green light to the community to arrest the criminals and report to the sangkat fishery later. This is contradicted by the fishery office saying that arresting the perpetrator is their responsibility, not the community's. Normally, cracking down on fishing crimes needs the full cooperation of fishery officials, police, military police and local authorities.⁴⁶

People, then are frustrated with the fishery office, not primarily with the commune office. In one case, however, effective intervention against fishing crimes had resulted in increased catch in 2004. This is widely believed to be due to the support from the district, including the right for the CFs to arrest first and report later. The role of the CCs in safeguarding fish stocks is to work very closely with CFs by allowing CFs to arrest first and report to the fishery office later, if they find crimes on the spot. A commune chief in Battambang said:

The commune has been very active in advocating that more responsibilities be given to CFs to intervene against fishing crimes. In the past, CFs were not successful in combating crimes because of a lack of cooperation from fishery officers, and people accuse officers of being corrupt. Now the commune has full support from the district in combating fishing crimes. We allow CFs to arrest first and report later to fishery officers. This is more effective than before.⁴⁷

Some argue that if this practice were generally accepted by the higher authorities there would be more fish and people would be more capable of reducing poverty on their own. If not, the CF will turn into just a symbol with no clout. They are supposed to be one hand of the *sangkat* fishery, but the fishery office does not allow this hand "to open", as one district governor put it:

The CF blames the sangkat fishery and local authorities or the other way around. The fact is we need real cooperation from local authorities, meaning district and commune and of course the [provincial] fishery office. There are no regular meetings between CFs and the district or commune. However, CFs always seek assistance from local authorities when necessary. As you know, you need full cooperation from many relevant authorities. This is a complex matter. If you see a crime, you can intervene without cooperation. Please do it right away, since it is in the interests of the people.⁴⁸

The exact limits of this CF mandate are not clear. A clear commitment from the district and commune is needed to make sure that the CF can act when coming across illegal fishing in its jurisdiction.

People normally recognise CCs that are representing local people and interests, constituting a place where they (and the CFs) may go to seek help. On the other hand, people see that many provincial and even national authorities come to visit the CC, leading to a lingering confusion over where responsibility really lies. Eventually, a CC may be tainted by its connection with higher authorities and may not be able to credibly claim innocence and powerlessness, as has been the case so far.

Another way for CFs to use politics to protect the local resource base is to find efficient ways to convey information from the commune into the public domain. Besides CCs and district offices, NGOs are partners of communities that can spread information and complaints from

⁴⁶ Commune councillors and villagers, Kampot, 21 October 2004.

⁴⁷ Commune council chief, Battambang, 30 November 2004.

⁴⁸ District governor, Battambang, 30 November 2004.

villagers. Many members of CFs that we talked to expressed positive views of NGOs helping to make information known via their advocacy programmes, networks and publications. Nevertheless, many CF members feel they are not able to expose realities even to provincial NGOs, due to a lack of capacity and because even NGOs normally require some formalities, and thereby maintain some distance. During the field research, all CF and the FC groups were keen to report to researchers about the problem because they considered us as a means to help them voice their ideas to the national government. According to the interviews with many CFs, CCs encourage the CFs to do their best to enhance contacts with NGOs and researchers.

4.5. Do CFs Trigger Accountability?

Generally, people are keen to engage with the CFs and expect some outcomes from their engagement; outcomes that are not necessarily visible quickly. This “inefficiency” of the CFs causes some people to lose faith in community work, turning the CF into a symbolic authority. This view may be slightly unfair since the problem of slow implementation and minor results emanates from a number of sources, some of which are material, such as a lack of boats and equipment to combat fishing crimes, and some due to the generally high level of threats and insecurity, making some people fear revenge by perpetrators if they are involved with the CFs. Other reasons for their relative inefficiency, however, are typical of voluntary work in the rural areas: regular members of the CFs are very results-oriented, losing patience when there are temporary setbacks. There are frequent complaints among civil society groups and CCs that people now are very individualistic, never paying attention to the collective. Hence, the CFs are left with a weak popular mandate and a rather weak position in the community. Another key issue is the lack of consistent support from all relevant state agencies, which makes it difficult for the CFs to answer to the villagers. Due to restrictions from technical line departments, and ultimately in the law, the CFs do not have sufficient decision-making power and are normally only allowed to lead limited interventions, and even if this is done in collaboration with the CCs, their combined political authority is still too weak. This allows some abuses to go on without interruption in spite of the best efforts of the CFs.

The role and responsibility of elected CCs in helping the CFs and other local associations remain limited due to the workload of the CCs and the fact that CCs have a limited mandate and influence with district and provincial authorities. Nonetheless, the progress of decentralisation is obvious. Everyone we talked to claimed that local authorities now are closer to the people, that people are better-informed than before the election, and that it is easier for the CFs to work with the CCs.

BOX 4: Case Study of Community Fishery, Prek Norint, Battambang

This CF was established in 2000, and residents of the adjacent villages elected the committee. The idea of forming a CF was pioneered by an NGO called Women for Development (WFD), the CC, the fishery department, and the provincial environment department. The CF has 14 active committee members in addition to the total 125 members from three villages.

The CF works closely with WFD and from time to time with the CC, village chiefs and the district or provincial fishery office. The three villages are flooded in the wet season and serve as a breeding area for a wide variety of fish species. Geographically, the area is connected to the Tonle Sap Lake, providing a breeding ground for that basin. The CF's active members used to have frequent meetings with the district and CC, but now do so less frequently—once every three or four months. Therefore, information sharing between the CF and local authorities is rather weak. There are four key issues that the CF says it faces: i) corruption of fishery authorities, allowing illegal fishing; ii) commune councillors not having power to assist the CF; iii) too little active participation from villagers; and iv) lack of boats, and communication equipment. They harbour little hope of getting any more concrete support from the CC to assist them because CCs do not have the power they would need in order to do so. Therefore, a certain degree of mistrust of the CC is growing.

Complex bureaucracy and many overlapping institutions have made people pessimistic about local authorities and the fishery administration. The general feeling about the role of the CC and fishery authorities is that when there is any fishing crime, the CF notifies the CCs and the fishery office, but the responses are often late, which allows the perpetrators to get away. Sometimes the commune councillors also happen to examine a problem, but no tangible result has been achieved in this way. The commune councillors said they need to follow various procedures, which again allow the perpetrators to get away. Once the CC came to confiscate the perpetrators' illegal equipment, but after a few days they were all released. No justification was given, and the CF was not notified about the reasons for their release.

Chapter 5:

Different Outcomes in Different Communes — What Matters for Accountability?

Although this study is not designed to be a comprehensive comparative case study, drawing on the differences between communes, their history, constitutions and political economy, there are some overarching differences, with obvious significance for the degree of local accountability, that deserve to be highlighted. Below we will discuss the consequences of these different factors.

5.1. Accountability Factors

Different political composition of CCs

This could be expected to be central to the degree of accountability. Among the five communes selected for this study, Bakong constitutes a mono-party system (CPP). Kompong Khleang council contains two different party representations (CPP and SRP). Prek Norint has three political parties in the council (CPP, Funcinpec and SRP). Dar commune in Kratie has the same three political representations in the council. Prek Tnaot, finally, is the only commune in the country that has representatives from four political parties (CPP, Funcinpec, SRP and Khmer Democratic Party). Somewhat surprisingly, we have not found party composition to be a determining factor for degree of accountability. Neither liberal democratic theory, in which pluralism and competition are the basis for accountability, nor a patrimonial rationale, in which lines of vertical patronage in party hierarchies are paramount, seems to be at work of CCs.

Different livelihood systems

Observations from the fieldwork showed that awareness of the degradation of the resource base is high among ordinary villagers and the relevant authorities. The simple logic here is that the more important and the more threatened a particular resource is, the more participation and engagement is possible. On the other hand, if more valuable resources are involved, the stakes become higher, attracting money and high-level politicians, and limiting the room for manoeuvring by local actors. In other words, the CCs may try harder in these cases due to local pressure, but they may not be more successful. If anything, the situation possibly swings in the other direction, making the CCs appear more accountable in, for instance, school issues that are considerably less charged.

The level of conflict in the area

Most conflict in the five communes is related to fishing, forestry and land. In Prek Tnaot, Kampot, and Kompong Khleang, Siem Reap, where people's livelihoods depend heavily on gathering forest products and coastal fishing, it is obvious that conflicts emanate from these two sectors. The conflicts are most often between CBOs and higher or technical authorities (e.g., fishery and forestry), including other institutions that are located within the commune jurisdiction (i.e., economic police, customs, coast guards and so on). This puts CCs in an awkward situation where they cannot be accountable and responsive to people's needs. Their status in the political system is simply too weak, and their mandate is general but weak (e.g.,

water/fish) or even explicitly excluded (e.g., forestry) where it is really needed. Popular frustration and general resignation are a common result.

A massive presence of NGOs and communities faced with “development”

In the studied communes, FCs and CFs are all established by international agencies such as Danida and FAO. The presence of these international agencies is extremely important for building the strength of the CBOs. CBOs seem to trust the external agencies wholeheartedly. There is, however, also a weakness involved in terms of CBOs being too dependent on those agencies for technical support and finances. This could make CBOs weak in accountability to members and local authorities. Many CCs we talked to expressed the opinion that the CBOs are just local branches of international agencies and NGOs. Hence, local authorities sometimes lacked solid commitment to cooperate with CBOs. At times, the CBOs were criticised for bypassing local authorities and having misplaced loyalties, thus having a negative effect on the degree of local authority accountability.

A mixed ethnic population in the commune

One of the questions raised initially was *to whom* accountability was offered, with the suspicion that accountability would be unevenly distributed, and that subaltern groups with low political status would have much greater difficulty being acknowledged and offered accountability. Below we will recount a few impressions on this theme.

The fieldwork did not focus much on this issue, but some observations were made concerning ethnicity. Of the five communes covered in the study, only Prek Tnaot in Kampot has a diverse ethnicity, including Cham, Vietnamese and Sino-Khmer. The CC chief in Prek Tnaot is an ethnic Cham, but according to the interviews and our observations, he works peacefully with the Khmer councillors without any discrimination. Probably, he does not discriminate against minority populations (being from a minority himself), and discrimination of this sort was not detected in the interviews. In Dar commune, the indigenous groups do not have any representation in the commune council where there are only a small number of ethnic Pnong, most of them are farmers and hunters. No sentiments of explicit discrimination were heard during the fieldwork, but it is likely that, seen from the subaltern position, political accountability is not forthcoming in a major way for minorities.

From a similar subaltern perspective, although local politics is in a process of democratisation, it is not being made gender-equal (cf. Öjendal & Kim 2006). Local politics is to an overwhelmingly degree driven by men. The CCs are mainly composed of men acting on a “masculine” rationality (cf. Öjendal & Kim 2006). Among the five communes, there are 39 commune councillors, of whom only five are female, which is less than 13 percent of the total. The CBOs are also run by men. While this could be expected for forest and fishery, it is also true for the SSCs.⁴⁹ If popular participation is a key problem in the chain of political accountability, a greater involvement of women seems necessary. Such involvement would have the potential to rearrange working methods and ambitions: if women are involved, other priorities may arise.

Finally, it should not be overlooked that with the extremely low level of education, income and political awareness prevailing in most of rural Cambodia, it will always be difficult, not to say impossible, to generate a high degree of collective mobilisation and political engagement. Even if it is by choice—poor people choosing to work instead of engaging collectively—the poorest are likely to be politically marginalised and experience less political accountability. The most rational thing to do for the individual poor household is to give in

⁴⁹ Forestry and fisheries possess characteristics where men typically assert dominance, such as being activities carried out far from the home, occasionally involving physical violence (or at least the risk of it) and being traditional male tasks.

principle support to these common tasks and then go ahead and work as much as possible on their own survival. This will not change fundamentally until the general socio-economic situation improves.

Regarding these three subaltern groups, the research has only scratched the surface, and much work remains to be done such as the relationship between Cambodian political culture and Decentralisation reform.

Chapter 6: Responding to the Research Questions

This research initially put up three research questions that guided the empirical review. Below, the paper will present an analysis of the empirical input about these three themes.

6.1. Participation and Mobilisation in CBOs

As initially stated, a key aspect for enhancing the efficiency of decentralisation is the voluntary participation of people in a process in which they are given a voice, so that they may influence decisions that are affecting their lives and thereby enhance the accountability of government office holders. The first requirement for civil society in rural Cambodia for demanding accountability of local government was deemed to be the participation of people in CBOs, and possibly (but not very likely) directly in CC activities.

Attracting people to participate in commune development plans depends on the level of responsiveness and efficiency of the CC. Many commune meetings are, however, to a large extent reflecting a social norm that lacks dynamics and interaction. Participation, from most people's point of view, means basically to be present at meetings. Another social norm implies that people do not question the authorities in public meetings. They assume that the authorities know everything and the reason that people come to the meetings is to listen, rendering these meetings unintentionally authoritarian, although soft language and democratic meeting procedures are adhered to. The commune development plan also has limited significance for the topics we have studied here. From the CC perspective, it seems to be very difficult for the councillors to explain to people what a reasonable level of expectation that people had hoped before the commune election is, even when CCs do their best to do so.

Generating people's participation with local associations is easier, depending on a lesser distance between people and the associations and, above all, on an often very direct relation to the everyday life of the individuals, which is why the CBOs exist in the first place. Therefore, their credibility becomes strictly related to their efficiency. Many chiefs of CBOs that were interviewed said that it is easy in the beginning to mobilise people to take part in the associations because they expect immediate benefits. Then, if they do not see any prospect of individual benefit, they quit. In almost every local association interviewed, the really active people were basically the chief and the deputies. There is no doubt, however, that participation and engagement in CBOs is much deeper and more real than the interaction between civil society and the CCs. Having said that, most local associations are established with financial and technical assistance from external NGOs. Although they emanate from local initiatives, they are not really genuinely emerging from an authentic self-motivation. Instead, most members are more accountable to the NGOs that have helped to set them up than to their constituents.

In sum, to improve participation of people in local communities, a number of idealistic options must be considered. First, give space for people to voice their concerns in a way that would lead to improving their living. Second, CBOs should try to make people aware of their right of ownership and interest. Third, to build people's trust, CBOs or related agencies should produce concrete and visible outcomes. Fourth, mechanisms of transparency should be a first priority for local practitioners. The leaders must be role models, and financial transparency is imperative.

In all, broad-based voluntary community engagement in well-organised and politically sophisticated CBOs is a key prerequisite for demanding accountability. The relatively low

degree of this in contemporary rural Cambodia is one of the weakest links in the quest for political accountability.

6.2. How do CBOs and Local Authorities Interact?

Although CCs are normally keen to know about all the local associations and NGOs working in their jurisdiction, the partnership remains limited. It is rare for them to meet more frequently than once a month. Many local association representatives interviewed said that they do not have regular meetings with the CCs, but only when they have some unusual problem. Some, but not all, associations send regular reports to CCs. Associations, however, see CCs as a formal state authority and CC is compulsory and formal when making contact. It does not really help that the CC is the lowest government institution. Paradoxically, many CBOs suffer from being perceived as similar to a state agency and dealing with issues that should be the state's concerns.

The overarching impression from the interviews, however, is that the CCs and the CBOs really try to get on well with one another, and that CCs do their best to be accountable. Shortcomings typically come from structural factors. These would include the political culture, or social norms as it has been termed at some places in this report, that hampers easy and direct communication between CBOs and CCs. Ironically, in contemporary rural Cambodia this legacy may be most tangible with people at large rather than with the local authorities. Other structural difficulties include the CCs being placed in a difficult position, not having the chance to deliver what people really want, such as law and order, economic development and better infrastructure. To be accountable is to be able to answer for the use of authority, but if authority is denied, it is not easy to be accountable. CCs' weakest spot is their lack of capacity to pursue challenging, pro-active politics to protect and to be seen as protecting their constituents.

6.3. The Power of Local Authorities in the Political System

A villager who is keen to assess the performance of the CC, especially in stopping fishery and forestry abuses, said:

It is true that although people vote for the CC members in order that they can help us, once they are elected, they are not able to help us anyway. Fishery and forest crimes are still taking place, and the CC does not really have the power to arrest the perpetrators. When people see the crimes, they report to the CC, but nothing changes. People are well aware that the CC might not have power to take action; maybe they just report to the top with little hope of improving things on the ground⁵⁰

CCs have neither substantial financial resources nor clout in the political hierarchy. Their economic resources consist basically of allocations from the Commune/Sangkat Fund, which gives them only very limited possibility of responding to people's demands. Moreover, the current public sector reform is piecemeal. The decentralisation and deconcentration reform is so far limping on only one leg decentralisation. So, when CCs try to be accountable, there is very little they can put on the table. Moreover, in Khmer political culture, reporting upwards and waiting for instructions is traditionally the appropriate thing to do. Unfortunately, the commune authorities are themselves often kept in the dark by higher authorities. In particular, after the decentralisation reform when the CCs are supposed to be independent, district and provincial authorities do not unnecessarily "stick their necks out" to save commune authorities. Deconcentration, now talked about as aiming for a "unified local administration", is badly needed. Were it to happen, as was suggested in early drafts of the "Organic Law",

⁵⁰ A villager in Prek Tnaot commune, Kampot province, 22 October 2004.

that the CCs elected provincial authorities, one could start to expect accountability beyond the commune level, as well as increased accountability within the commune.

The financial and political shortcomings in combination provide a real impediment to substantially increasing accountability. As seen above, some CCs and CBOs try to overcome this gridlock by overstepping their formal mandates. This has an immediate effect on perceptions of accountability, but it is hardly sustainable and not a long-term solution to the problem. It does, however, if nothing else, show that the pressure the CBOs are putting on the CCs can work, that the CCs are receptive to local pressure and that CBOs are to a certain extent capable of channelling public sentiments into a political agenda.

It is also the feeling that sometimes the CCs exploit the fact that they are circumscribed, using it as an excuse for not being overly active or challenging the interests of powerful people. While this is not satisfactory, it is hardly surprising given the precarious position they are in. Nevertheless, the fact that CCs do not have sufficient power and resources is a factor undermining their ability to generate local legitimacy, (including the demoralisation of the CCs themselves). Since very few pro-active political initiatives, at least not of the challenging kind, are taken by commune authorities, their role is limited in the bigger scheme of things.

The structural powerlessness of the CCs may be both the most critical deficiency in the short term, as well as the one that may be addressed within the not too distant future. While it is a crucial problem now, the good news is that it may change soon.

Chapter 7. Conclusions and Policy Recommendations

7.1. Analysing Accountability

Reaching a conclusion about the extent to which political accountability is emerging as a feature of the newly invented CCs requires that the research should return to the definition of the term. The simplest meaning of accountability was “answering for the use of authority”. That has two parts: “answering” and “use of authority”.

It is our understanding that the CCs—much more than the district and province authorities—are trying to answer, explain and communicate the decisions they make. While they do not naturally share all information with all concerned parties, they do not really conceal it either. And they are open to receiving requests, reports and informal information. Compared to the pre-UNTAC phase, and even to the pre-decentralisation period, there is a huge difference in these aspects. The research does not have the possibility of making a proper longitudinal study emanating from these periods, but there is no doubt that conditions have changed in this regard. The other part of the accountability concept, “use of authority”, is more confusing. The CCs do have a weak mandate in some respects, and very little financial resources, so it may be difficult to exercise authority. In this respect, they are far from fitting the ideal version of a local government and far from the vision in the decentralisation law itself. In a way—and ironically in a recently authoritarian political system—they would rather answer for the *lack of the exercise of authority*: i.e. they could be more pro-active, more protective and more engaged in local concerns. Here, however, we are stretching the typical definition of accountability in political theory. The lingering suspicion is, however, that in the “trap” in which CCs have been placed, they frequently choose not to exercise authority because they either are afraid to lose the little authority they have, or themselves simply play into the prevailing social norm of not questioning upper authorities. Having said that, it should be remembered that some CCs are pro-active and act forcefully to satisfy popular demands (e.g., agreeing on CBO-demands to arrest perpetrators without a proper mandate). While this may not be sustainable in its current form, the most interesting aspect of this is that the CBOs actually succeeded in demanding not only accountability, but also activity.

An additional question is to whom should accountability be delivered and under which rationale? In the law, the CCs are primarily downwardly accountable to the people in their jurisdiction. And they are downwardly accountable in a democratic political system with its particular mechanisms. Both these aspects of accountability are partly fulfilled too. CCs acknowledge the need to work with CBOs and the need for broad information sharing and in some places they do appear as partners with a common aim. In spite of this, sometimes local politics may not be very different in its day-to-day practice from what it used to be (i.e., farmers take care of themselves, avoid authorities and get very little help in their daily struggle for survival). The emerging CBOs are making a difference, working in a more democratic system, and with more democratic and participatory practices. They are, however, also prey to and, in fact, a part of traditional political culture, constantly at risk of repeating hierarchical and authoritarian patterns. Put differently, democratisation of political institutions has come much further than democratisation of the content of local politics. In addition, there is also a sense that, in spite of formal autonomy, the CCs feel a major need to be approved by higher authorities, or at least not to challenge them. These authorities in turn are not doing much—perhaps nothing at all—to assist the CCs (and even less to assist ordinary people).

According to our understanding of how accountability could be demanded in rural Cambodia, it seems that the key institution of the decentralisation reform, the CC, has come a long way towards acknowledging and exercising accountability. The major weaknesses are above and below the commune council itself. First, civil society is not yet sufficiently capable and organised to effectively demand accountability. This is particularly true regarding individuals, but also when CBO intermediaries are involved. Second, CCs are not getting the support they need from ministries. This is hardly surprising. While the CCs are operating on the basis of a progressive democratic decentralisation reform from 2002, the district and provincial authorities have not had any major overhaul of their formal mandates. The second leg of the reform, deconcentration, is still in the making and is not expected to be implemented until 2008. This law would, as it appears in draft versions now surfacing, democratise provincial authorities, harmonise ministries with commune council concerns, and open up rural areas for dynamic development work. Whether that will happen, however, remains to be seen.

7.2. Policy Recommendations for Enhancing Political Accountability in Rural Areas

There are a number of general policy recommendations that can be drawn out of the above analysis regarding the enhancement of political accountability in local government. They will be presented within three different fields: civil society, commune councils and deconcentration.

Civil society

It is probable that as civil society evolves and gives rise to community movements willing and able to interact with the state on policy issues and decision making, there will be enhanced benefit sharing in the villages. Nevertheless, social dynamics are currently largely driven by individuals' self-interest. Hence, small-scale development work within communities regarding education, awareness, rights and obligations must continue. This will not improve the situation in the short term, but without it the situation can hardly ever improve. Democracy requires, furthermore, a certain level of economic activity to be sustainable, and rural Cambodia is still far from there. This kind of grassroots work is currently supported by CCs and external NGOs, and needs to continue. The CS funds should also be considerably greater than they are today towards achieving that end. Moreover, a sense of dependency on international agencies needs to be changed, and it behoves these agencies to deal with this shortcoming. CBOs cannot, in the long run, be seen to be more accountable to donors or international agencies than to CCs and local residents. Some NGOs and CBOs are bypassing the CCs, making it difficult for them to be accountable to both national government and local constituents.

Commune councils

Although the CCs are performing relatively well, there is an obvious risk that both the formal and perceived mismatch between responsibility and resources will leave the CCs in an impossible situation. Such a situation would be characterised as having the task to ensure general well-being and overall development but stripped of the mandates that would make that possible. It would also involve not having the mandate for local key processes but being made responsible for them anyway, with moral degeneration and local state de-legitimisation as a consequence. To speed up, the activation of the mechanisms for tax collection and lawmaking in the law would go some way towards achieving this. Moreover, to be accountable, CCs still need more capacity to articulate the laws and be clear about the distinction between private and public domains. Some CCs are largely (and most to at least some extent) still operating under a patrimonial logic instead of prioritising public needs. This could be related to an incomplete transition from a traditional system to one operating along liberal democratic principles, constituting a hybrid political system.

Deconcentration

The second key component (the first being the role of civil society) to achieving enhanced accountability in local governance is the mandate and behaviour of district and provincial authorities, including their line ministries/departments. Currently, in the halfway house of public administration reform, the incentives are fundamentally wrong and in the current set-up cannot be made right. For instance, provincial and district authorities collect formal and informal taxes locally, but the commune council is supposed to be taking care of the community. This is a typical case of mismatch between responsibility and resources. In addition, informally, or even illegally, the province, or even individual civil servants, possibly receiving financial benefits, allows perpetrators to cut forest and catch fish with impunity. Hence, the incentives for the district or province to help the FCs and CFs and the CCs to stop that activity may at times be limited. It is difficult to see how this could improve before these incentives are adjusted. In this regard, the district and provincial authorities are acting on an outdated mandate, but can hardly do anything else until a national reform is introduced. An implemented deconcentration is a prerequisite to heighten the chance for success of the decentralisation, which in turn serves as a vehicle to improve service delivery, promote voluntary participation and enhance accountability in local government. Moreover, deconcentration needs a structural idea and political will from all relevant agencies. The structural adjustment includes devolving power and responsibility to the elected councils, which will allow them sufficient space to be more responsive and accountable to citizens.

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